By Mr. WARE: A bill (H. R. 15002) for the relief of Maude E. Mayer; to the Committee on Foreign Affairs.

By Mr. YON: A bill (H. R. 15003) for the relief of Thomas N. Smith; to the Committee on Naval Affairs.

Also, a bill (H. R. 15004) for the relief of Florence P. Hampton; to the Committee on Claims.

By Mr. BRITTEN: Joint resolution (H. J. Res. 336) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Roy Von Lewinski, citizen of Germany; to the Committee on Military Affairs.

By Mr. GAMBRILL: Joint resolution (H. J. Res. 339) conferring the rank, pay, and allowances of a major of Infantry, to date from March 24, 1928, upon Robert Graham Moss, late captain, Infantry, United States Army, deceased; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7882. Petition of Public Forum of Brooklyn Heights, New York City, opposed to the surrender of Muscle Shoals to private interests; to the Committee on Military Affairs.

7883. Petition of Niagara Falls Chamber of Commerce, petitioning Congress to reimburse the relatives of Jacob D. Hanson; to the Committee on Claims.

7884. By Mr. CRAMTON: Letter of November 27, 1928, from secretary Michigan State Farm Bureau, presenting resolution adopted by the board of directors of that organization urging enactment of a tariff of at least $3 per hundred on imported sugar; to the Committee on Ways and Means.

7885. By Mr. DE ROUEN (by request): Petition of Women's Christian Temperance Union of Eunice, La., requesting that Congress enact into law the Lankford Sunday rest bill for the District of Columbia (H. R. 78), or similar measures; to the Committee on the District of Columbia.

7886. By Mr. FRENCH: Petition of citizens of Wallace, Idaho, favoring the national origins plan of immigration restriction; to the Committee on Immigration and Naturalization.

7887. By Mr. LINDSAY: Petition of John W. Roeder, vice president, the People's National Bank of Brooklyn, N. Y., opposing the amendment of section 5219 of the Federal laws governing the taxation of national banks on the ground that it will be destructive of progress made in this matter; to the Committee on Ways and Means.

7888. By Mr. WATSON: Petition signed by residents of Trappe, Pa., and vicinity, favoring House bill 78, "To secure Sunday as a day of rest in the District of Columbia, and for other purposes"; to the Committee on the District of Columbia.

7889. By Mr. WYANT: Petition of Pennsylvania State Camp, Patriotic Order Sons of America, urging restriction of foreign immigration from Mexico, Central and South America, etc.; to the Committee on Immigration and Naturalization.

7890. Also, petition of Junior Order United American Mechanics, favoring passage of Senate bill 1727; to the Committee on the Civil Service.

7891. Also, petition of Joint Association of Postal Employees of Western Pennsylvania, recommending legislation permitting optional retirement after 30 years service with annuities increased to $1,200 per year; to the Committee on the Civil Service.

SENATE

FRIDAY, *December 7, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, in whose embrace all creatures live, and who dost bestow those benefits which human frailty can not grasp, quicken in us the sense of Thy presence, refresh us with Thy power.

Lift our souls above the weary round of harassing thoughts into the quiet contemplation of Thine infinite calm. Humble us by laying bare before us our littleness and our sin, and then exalt us by the revelation of Thyself as counselor and friend, that with a sure and steadfast faith in Thee we may quit ourselves like men, approved of God, and thus become springs of strength and joy to the Nation Thou hast called us to serve. Grant this for the sake of Him who is the Desire of nations, Jesus Christ, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. JONES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3325. An act for the relief of Horace G. Knowles; and

S. 4402. An act authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory in the District of Columbia.

DAUGHTERS OF THE AMERICAN REVOLUTION

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Smithsonian Institution transmitting, pursuant to law, the annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1928, which was referred to the Committee on Printing.

REPORT OF THE UNITED STATES BOARD OF MEDIATION

The VICE PRESIDENT laid before the Senate a communication from the chairman of the United States Board of Mediation, transmitting, pursuant to law, the annual report of the board for the fiscal year ended June 30, 1928, which was referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS

Mr. VANDENBERG presented a petition of members of the Woman's Union and the Women's Missionary Society of the Central Woodward Christian Church, of Detroit, Mich., praying for the ratification of the so-called multilateral treaty renouncing war, and adoption of the so-called Gillett resolution (S. Res. 139) suggesting a further exchange of views relative to the world court, which was referred to the Committee on Foreign Relations.

Mr. WAGNER presented a resolution adopted by the council of the city of Long Beach, N. Y., which was referred to the Committee on Commerce and ordered to be printed in the RECORD as follows:

Resolution

CITY OF LONG BEACH,
November 27, 1928.

Mr. Hogan introduced and moved the adoption of the following resolution:

"Whereas a public hearing will be held in Washington on the deepening and widening of East Rockaway Inlet; and

"Whereas this improvement will permit of deep-draught vessels entering Reynolds Channel and Great South Bay and is of vital interest to the city of Long Beach: Now, therefore, be it

"*Resolved*, That this project be, and the same is hereby, approved and the necessary action by the Federal authorities to initiate the improvements urged by this board on behalf of the people of the city of Long Beach.

"Mr. Saltzman seconded the motion for the adoption of the above resolution.

"Voting: Mayor William J. Dalton, aye; Supervisor Thomas J. Hogan, aye; Councilman Charles L. Daly, aye; Councilman James M. Power, aye; Councilman Louis H. Saltzman, aye."

I hereby certify that the above is a true and exact copy of a resolution unanimously adopted by the council of the city of Long Beach, at a meeting of the council held at the city hall on Tuesday, November 27, 1928.

FRANK G. WALDRON, *City Clerk.*

Mr. SHEPPARD presented a petition of certain pastors of churches at Carbon, Tex., praying for the adoption of a constitutional amendment prohibiting sectarian appropriations, which was referred to the Committee on the Judiciary.

Mr. DENEEN presented a resolution adopted by the Chicago (Ill.) Council on Foreign Relations, favoring the prompt ratification of the so-called multilateral treaty renouncing war, which was referred to the Committee on Foreign Relations.

Mr. FRAZIER presented the petition of L. Noltimier and 62 other citizens, of Valley City, N. Dak., praying for the prompt ratification of the so-called multilateral treaty renouncing war, which was referred to the Committee on Foreign Relations.

Mr. KEYES presented a petition of members of the South Main Street Congregational Church, of Manchester, N. H., praying for the ratification of the so-called multilateral treaty renouncing war, which was referred to the Committee on Foreign Relations.

Mr. BINGHAM presented resolutions of the Northwest Child Welfare Club, of Hartford, the Westport Republican Woman's Club, and the Connecticut League of Women Voters, in the State of Connecticut, favoring the prompt ratification of the so-

called multilateral treaty renouncing war, which were referred to the Committee on Foreign Relations.

He also presented petitions of members of the faculty of the Divinity School of Yale University, of New Haven, and members of the Book Club, of Brookfield, in the State of Connecticut, praying for the prompt ratification of the so-called multilateral treaty renouncing war, which were referred to the Committee on Foreign Relations.

He also presented a petition signed by approximately 800 citizens of the United States resident in the Territory of Hawaii, praying for the prompt ratification of the so-called multilateral treaty renouncing war, which was referred to the Committee on Foreign Relations.

SAFETY AT SEA

Mr. VANDENBERG. Mr. President, in view of the new interest focused upon safety at sea as a result of the recent *Vestris* tragedy and in view of the possible development of new safety legislation upon this score, I present for the information of the Senate an interview in the Detroit Free Press in which one of the leading and most experienced executives in Great Lakes navigation recommends a very general substitution of life rafts for lifeboats in safety equipment.

It should be stated that the opinion thus expressed meets with some disagreement from certain other maritime experts to whom I have submitted this interview by way of preliminary inquiry. One of these critics insists that lifeboats are much more comfortable and serviceable and will maintain life much longer. He states:

From my experience in abandoning ship, life rafts have been looked upon as life belts; that is to sustain one in the water until picked up by lifeboats or a rescue boat. The life raft has its place in life saving, but I would never recommend using them instead of lifeboats.

The present law prohibits the use of more than 25 per cent of collapsible lifeboats or rafts. This section of the law is the crux of the point raised in this interview which I now submit to the Senate. It is to be remembered that during the war all of our ships had life rafts, because they were practical in case a ship was torpedoed and the lifeboats smashed. Not to prejudge the matter in any degree, but to establish a point of useful inquiry, I ask that this safety interview be published in the RECORD and referred to the Committee on Commerce.

There being no objection, the paper was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Statement in the Detroit Free Press of Saturday, November 17, 1928, by A. A. Schantz, of Detroit, Mich., who is president of the Detroit & Cleveland Navigation Co., and who insists that the loss of life attending the sinking of the steamer *Vestris* through difficulty in launching lifeboats is another argument in favor of the more extensive employment of life rafts on passenger steamers:

"On our lake passenger steamers we carry the usual complement of lifeboats, but we would depend largely upon life rafts to save the passengers and crew in case it became necessary to abandon ship out in the Lakes. All that is necessary to do in launching a life raft is to shove it overboard, and no matter which side up it lands it is ready to carry large numbers of passengers safely, and the fact that the ship might have a heavy list would make no difference in this operation. Passengers equipped with life preservers could easily clamber aboard the low raft, and wind and waves would not affect their safety, for it is impossible to capsize a raft. It would be possible to load life rafts on the boat deck of a steamer and permit them to float off when the ship sank. The commonly accepted idea that the suction of a sinking steamer would draw down boats and rafts in its vicinity is not borne out by the facts. If I had my choice between a lifeboat and a life raft in an accident, I would choose the life raft every time."

UNEMPLOYMENT

Mr. WAGNER. Mr. President, I send to the desk several important letters received by me from distinguished Americans in relation to the pending legislation on the subject of unemployment, which is now being considered by the Committee on Education and Labor. After the letters are printed, I ask that they be referred to the committee having charge of the bills indorsed by the writers.

There being no objection, the letters were ordered to be printed in the RECORD and referred to the Committee on Education and Labor, as follows:

COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK,
DEPARTMENT OF ECONOMICS,
Camp Askenonta, Lake Placid, N. Y., August 14, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have read with much interest the three bills that you were good enough to send me. It goes without saying that I am thoroughly in agreement with you as to both the desirability and the importance of such measures. The trouble with most of us is that we never distinguish between remedies and preventives. You can quote me in any way you like as being entirely committed to the principle of your bills.

With kind regards,
Faithfully yours,

EDWIN R. A. SELIGMAN.

THE UNIVERSITY OF WISCONSIN,
DEPARTMENT OF ECONOMICS,
Madison, August 23, 1928.

Hon. ROBERT F. WAGNER,
United States Senate,
Washington, D. C.

MY DEAR MR. WAGNER: Replying to yours of the 10th, relative to inclosures, I certainly strongly favor all of these objects, but can not express opinion regarding the details without further study. I agree with you that the elimination of unemployment far transcends in importance the attainment of any immediate political ends.

Sincerely yours,

JOHN R. COMMONS.

METROPOLITAN LIFE INSURANCE COMPANY,
New York City, August 13, 1928.

Senator ROBERT F. WAGNER,
Senate Chambers, Washington, D. C.

MY DEAR SENATOR WAGNER: After carefully examining the three bills S. 4157, S. 4158, and S. 4307, which I received this morning with your letter of August 10, I am glad to say that I am heartily in accord with all three.

With best wishes for their successful progress, I am
Sincerely yours,

W. A. BERRIDGE.

INDUSTRIAL RELATIONS COUNSELORS (INC.),
New York, September 17, 1928.

Senator ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: Your letters of August 10 addressed to Mr. Arthur Young, Mr. Bryce Stewart, Miss Mary Gilson, and myself, with inclosed congressional bills relating to unemployment, have been received. Since the comments of any one of us can not be disassociated from our organization we are replying jointly to your letter. Furthermore, it is beyond our function and contrary to our public policies to indorse any proposed legislation. However, we are quite willing to give you, as to anyone else inquiring, the results of our research to date in one phase of this broad subject. Perhaps you will be interested in the following tentative conclusions:

The further collection and publication of employment statistics by the Federal Department of Labor, including the preparation and publication of an index of employment, would be extremely helpful to industry and to the public.

The emergency construction of public works and the distribution of other public expenditures during periods of acute unemployment according to a planned but flexible program will materially assist in relieving conditions resulting from seasonal and cyclical depressions.

The establishment of a nation-wide system of public employment exchanges is essential if we are to make progress with the problem of placement and mobilization of labor at points of greatest need.

Very truly yours,

GLENN A. BOWERS,
Director of Research.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., R. D. 2, Strong, Me., August 15, 1928.

DEAR SENATOR WAGNER: I am indeed rejoiced that some one is giving attention to a due preparedness for seasons of unemployment—a matter quite as important as preparation for business crises or for agricultural depression. Certainly the subject is one transcending State lines, and in the end we shall have to achieve some degree of unification of the agencies of dealing with it.

As to the first two bills I do not see how anything but good can come from them. Very likely the second will be met by the cry of too many bureaus and of centralization. There may be bureaus which could be united or consolidated or even eliminated with advantage. I do not pretend to know. But no government to-day can go on without bureaus, and the outcry against them in the abstract is misdirected. Nor is there any basis for objection on the score of centralization. The alternative of centralization is cooperation, and that is exactly what you seek to bring about.

As to the emergency public works measure, I am not sufficiently up to date in economics to know how such a measure is now regarded by those who have studied such things. But it seems a conservative measure and in the nature of wise preparation for what we know from experience happens from time to time.

I repeat that it is most gratifying to find some one taking up this subject and endeavoring to make wise and far-seeing provisions for it. I hope you will be successful in obtaining legislation along the lines you have laid out.

As you say, such things should not be involved in politics, and I hope I am sufficiently free from partisanship so that, although a Republican, I can welcome and advocate a good legislative project by whomsoever proposed.

Yours very truly,

ROSCOE POUND.

THE WORLD COURT

Mr. McNARY. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Foreign Relations a letter written by J. R. Payne, minister of the First Baptist Church of Salem, Oreg., on the question of the Gillett resolution.

There being no objection, the letter was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

SALEM, OREG.

The Hon. WILLIAM E. BORAH,
Senate Chamber, Washington, D. C.

HONORABLE SIR: Press notices inform me that the Foreign Relations Committee is to take up the Gillett World Court resolution at its first meeting.

Will you use your influence to secure a prompt and favorable report on the resolution at that meeting?

I travel somewhat among the people and know that there is almost unanimous sentiment in favor of said resolution.

Yours for the outlawry of war,

J. R. PAYNE.
MRS. MILES R. POOL.
MARY L. LISLE.

MARKETING OF AGRICULTURAL PRODUCTS

Mr. McNARY. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Agriculture and Forestry a letter from Harvie Jordan, managing director of the American Cotton Association and Better Farming Campaign, which contains many helpful suggestions, particularly with reference to the marketing of cotton.

There being no objection, the letter was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

AMERICAN COTTON ASSOCIATION AND
BETTER FARMING CAMPAIGN,
FIELD SCHOOLS OF ECONOMIC PRODUCTION,
Greenville, S. C., November 28, 1928.

Hon. CHARLES L. MCNARY,
United States Senator,
Senate Office Building, Washington, D. C.

DEAR SENATOR: You are deeply interested in the enactment of strong constructive relief measures for the economic betterment of American farmers. The problems confronting the large staple crops of the Nation present different methods of treatment and solution. I beg to bring to your attention my views regarding the great cotton staple crop of the Nation. I have been a cotton grower for 50 years and have been associated with practically every movement made among the growers for the betterment of their condition since the days of the alliance in 1890.

In any comprehensive constructive effort to rehabilitate the cotton-growing industry for promoting the welfare of the growers it is essential to get down to the infected roots of the evil.

In 1870 Federal and State laws permitted the creation of machinery incorporating the cotton exchange, which gradually developed nation-wide powers over the marketing of spot cotton which has enabled the buyers and consumers of the staple by rules and regulations of trading on such exchanges to fix and maintain the price of the staple regardless of the welfare of the growers.

Any system of marketing by which the price of the product is fixed by the buyer violates every known law and usage of trade in commerce throughout this country and the world.

Furthermore, this is the only agricultural country in the world among modern civilized nations where the laws permit the fixing of the prices of farm products by machinery controlled by the buyers.

There are a few cotton exchanges in Europe, but their activities are confined to the handling of American cotton in cooperation with American exchanges. Foreign countries do not permit the agricultural products of such countries to be dominated by speculative institutions.

No industry except that of agriculture could exist under such unfair methods of price fixing, and American agriculture in the South and West is in a condition of decadence, even though it is the recognized basic industry of the Nation.

The legitimate laws of supply and demand for American cotton ceased to function toward the close of the nineteenth century when the South began to produce a surplus of the staple in excess of the actual needs of domestic and foreign mills during the cotton year in which such surplus was harvested and dumped on the markets.

The forced selling of the surplus depressed market values under the control of the buyers and exchanges, which correspondingly depressed the price of every bale needed for actual consumption in such year.

The financing and retirement of a temporary surplus of cotton over a period of 12 to 15 months while still in the hands of the growers is absolutely imperative if present manipulation, extreme speculation, and violent fluctuations in an unstabilized and depressed market is to be controlled in the interest of both the growers and the mills.

There is no record of a large surplus of cotton dumped on the market at depressed values which was not sold to the mills 12 months later at prices twice as high as the farmers received for the staple when sold. Especially was this true in the large crop years of 1920 and 1926, in which the largest surplusage of spot cotton was grown.

The machinery for handling the surplus effectively must be done largely through organized county units among the growers. The financing of the surplus, if appropriated by Federal legislation, could be distributed and safeguarded through local banks acting for county units and through cooperative associations.

The practical planks in any platform for real farm relief among the cotton growers should, in my opinion, be along the following line to secure effective and profitable results from the industry:

No. 1. The intensive culture of cotton on more restricted acreage per plow and raising all food and feed crops needed on the farm.

No. 2. Cooperative effort in buying and marketing through the county unit system and state-wide cooperative associations.

No. 3. Federalize every cotton warehouse and have expert graders, staplers, and weighers in charge to aid the growers in securing full market prices for their staple.

No. 4. Organize machinery to finance and retire from the market the temporary surplus or carry over each year, so as to limit the market only to handling and selling such cotton as is legitimately required for consumption by the mills each cotton year. This would prevent dumping unneeded cotton, allow the legitimate law of supply and demand to function, and prevent excessive manipulation and depressing speculation.

The details of putting the above practical platform into operation are simple and will meet the approval of the rank and file of the growers.

The leading thought should be to work out relief measures that can be applied practically and secure the results aimed at.

Individual efficiency on the farm, the intensive culture of cotton, and more acres in food and feed crops are absolutely essential to any system of profitable agriculture in the South. These, with cooperative effort in marketing and financing the surplus, should very materially improve the situation and rehabilitate the welfare of the growers and the South at large.

With cordial best wishes,

Yours very truly, HARVIE JORDAN, *Managing Director.*

THE HURRICANE IN PORTO RICO

Mr. BINGHAM. Mr. President, I send to the desk a resolution from the Coffee Growers of Porto Rico (Inc.), a cooperative credit association, which I ask may be printed in the RECORD and referred to the Committee on Territories and Insular Possessions. Also at this time I would like to call the attention of Senators to the report on the Porto Rican hurricane, which they will find on their desks, and particularly to pages 6, 7, and 8, which give a brief but graphic description of the result of the hurricane.

There being no objection, the resolution was referred to the Committee on Territories and Insular Possessions and ordered to be printed in the RECORD, as follows:

The delegation undersigned, representing the Coffee Growers of Porto Rico (Inc.), a cooperative credit association, has the honor of submitting the following to the Congress of the United States through the Committee on Insular Affairs:

Resolution

1. Whereas the hurricane which struck Porto Rico on the 30th day of September, 1928, caused, in addition to other serious damage, the loss of the harvest of coffee and the destruction of the plantations, the estimated losses being in the first case not less than $10,000,000 and in the second not less than $12,000,000;

2. Whereas the destroyed coffee plantations represented the basis for the wealth of the highlands of Porto Rico, which cover an area of 180,000 acres and provide labor and subsistence for about 300,000 people who, as a consequence of the disaster, have been left without work and in great need;

3. Whereas the sole economic basis on which the coffee growers depended was the harvest of coffee and auxiliary fruits which they have lost; and whereas the planter lacks credit and resources for reconstructing his plantation and for giving employment to the laborers who have been without work and subject to the cruel consequences of hunger and destitution;

4. Whereas the reconstruction of the coffee industry must be accomplished and is of absolute necessity for restoring the well-being of the population of the highlands of Porto Rico, where alone the cultivation of coffee can be undertaken with success and without which the economic situation of the inhabitants of these regions would be every year more serious and of fatal consequence to the social organization of the people of Porto Rico in their advance toward scholastic progress, sanitation, and improvement of the general welfare;

5. Whereas without any effective aid the farmers would see themselves obliged to abandon their lands because of the lack of resources and of credit to enable them to obtain the necessary means for properly taking care of the rehabilitation of their property destroyed by a hurricane, resources which it is not possible to obtain from our insular government, which is indebted to the limit of its means, nor can the aid obtained from the Red Cross be considered sufficient, since this came almost solely to the working class and was purely contingent and inconclusive;

6. Whereas the cost of reconstructing every acre of coffee in compliance with the modern methods of cultivation recommended by experts on agriculture amounts to from $50 to $70 per acre, according to the time employed, ranging from four to six years, the total sum needed for facilitating the farmer toward the complete reconstruction of his lands varying between seven and nine million dollars;

7. Whereas we believe that if such an amount were obtained it ought to come wholly to the hands of the farmer under a special reparation system and in accord with regulations specified by law; and believing, furthermore, that the organization which will have to be created for putting the plan of rehabilitation of farm aid, which we hope and urge may be granted to us into effect, ought not only to be of an efficient and economic character but also practical and easily applicable;

8. Whereas it is our belief that the only remedy we can discover for solving the difficulty of this serious situation must come through the initiative of the Congress of the United States of America, which is our country, and it is there that we go to buy all the materials for food and comfort that we need in spite of the fact that the market is protected by a high tariff on all the food products which we need and yet give our coffee no protection, an overlooked fact which has caused the country obvious injury since the change of sovereignty;

9. Whereas if the Congress of the United States raises the question of not having precedents in the matter in order to hold up the measure we seek, we wish to call respectfully to the attention of Congress the fact that for 30 years the United States has not had any insular possessions in the Tropics whose production of coffee was one of its principal economic resources; that cultivation in devastated zones in the United States is generally of an annual nature and for this reason is capable of being made productive again with little difficulty, while the cultivation of coffee in the Tropics requires a nonproductive period of four or five years before it can be restored, the losses being for that reason far greater and the restoration of the lands more expensive;

10. Whereas for the next five years the coffee growers will not have sufficient harvests to permit them to pay the interest plus principal on the reconstruction loans which it may be possible for them to obtain;

Wherefore the Association of Coffee Growers of Porto Rico (Asociacion de Cafeteros de Puerto Rico (Inc.)), greatly interested in the most prompt and efficient rehabilitation of the coffee industry, suggests to the Congress of the United States:

(a) That Congress appropriate for the purposes set forth in this resolution an amount no less than $7,000,000 to be devoted to the coffee industry, and to be loaned to the farmers through the Porto Rico branch of the Federal Intermediate Credit Bank of Baltimore;

(b) That in the drawing up of the plan to be put into practice it is urged that the cooperative credit associations be taken into account which are functioning in Porto Rico and are recognized by the Federal Intermediate Credit Bank as an easy, practical, and efficient means for seeing to it that the money reaches the farmer, such management guaranteeing to a greater extent protection for the ends which we all desire, such methods having already proved their efficiency in the years during which they have been functioning;

(c) That it be permitted to loan to the farmers the money necessary for rehabilitating their lands, payment to be made in 20 years, allowing them freedom from payment of interest on the capital for the first five years and payment of the debt to be made in 15 annual installments beginning in 1934.

That certified copies of this resolution be sent to the President of the United States, to each one of the members of the Committees on Insular Affairs of the House and Senate, to the Governor of Porto Rico, to the presidents of both legislative bodies, to the local press, to the correspondents of the United Press and the Associated Press, and to each local assembly of coffee growers in Porto Rico, and to the president of the Agricultural Association of Porto Rico.

Certified that this resolution was adopted by the executive committee of this corporation and with the consent of the associated shareholders;

Certified, likewise, that it was agreed that the president, Don A. Martinez, the treasurer, Don E. Lopez Ballester, and the undersigned were charged with the delivery of this memorandum to those Representatives of Congress here present.

I, the secretary, hereby certify to the above.

J. M. MUNOZ.

IRRIGATION AND MARKETS FOR FARM PRODUCTS

Mr. STEIWER. Mr. President, my attention has been called to a very able address made by Mr. B. E. Stoutmeyer, one of the legal staff of the Reclamation Service. It is a most helpful discussion of the reclamation program with which the Government is concerned. I ask unanimous consent that it may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation.

There being no objection, the address was referred to the Committee on Irrigation and Reclamation and ordered to be printed in the RECORD, as follows:

EFFECT OF IRRIGATION DEVELOPMENT UPON MARKETS FOR FARM PRODUCTS OF THE RAINFALL SECTIONS

By B. E. Stoutmeyer, district counsel, Bureau of Reclamation

During recent years there has been much discussion of the problem of the farm surplus and growing out of this discussion there have been suggestions, particularly by various organizations in the Middle West, to the effect that all irrigation development in this country should stop. This demand for stopping the development of the western third of the United States is based upon the presumption, which I believe is an erroneous one, that the products of irrigation projects have an injurious effect upon the markets for the products of the farms of the rainfall section, particularly upon the markets for the staple products of the Middle West.

The crops which are generally considered in all discussions of the problem of the farm surplus are mainly the great staple crops of the Middle West and South—wheat, which is exported to some extent; corn, which is exported to some extent in the form of lard and other pork products; and the cotton crop of the South. While these great staple farm crops are still being exported to some extent, there has been during recent years a steady increase in the imports of other kinds of food products and raw materials. Herbert Hoover in one of his recent speeches called attention to the fact that we are importing each year about $800,000,000 worth of farm products which would be produced on our own soil.

In considering the question whether the irrigation projects do or do not add to the problem of the farm surplus, it is necessary to consider whether the leading products of the irrigated farms are the same as the leading staples of the rainfall belt in the Middle West and the dry farms of the plains, or whether the irrigation projects are producing, in the main, crops which would otherwise be imported and are therefore increasing the home market for all kinds of American products, including farm products, and merely displacing a certain amount of imports which would otherwise be brought in from Australia, South America, or Canada.

The objection to the development of the West for fear that western production will sharpen the competition for the farmers of the Eastern States is no new question. The same theory was urged more than a hundred years ago by some of the landowners of the Atlantic Coast States as a very serious objection to the development of the Ohio Valley and the Mississippi Valley under the homestead act. The argument which is now used against the development of the West by irrigation is the same which was used a hundred years ago against the development of the Mississippi Valley and the Ohio Valley under the homestead law. Both arguments lose sight of the fact that development increases markets as well as production.

In looking back over the history of this country for the last hundred years it is not difficult to see that if this argument against development under the homestead law (which is the same now urged against development under the reclamation law) had prevailed, the United States would remain a fringe of settlements along the Atlantic coast without any great supporting markets in the interior for the products of the coast States, and no sane man to-day would believe that if that argument had prevailed and that condition had continued that the States of the Atlantic coast would be any more prosperous or indeed as prosperous as they are now.

The development of the interior has made the home market of this country the greatest market of the world many times over and almost, if not quite, equal in size to the combined markets of all the countries of Europe. The size of the home market makes mass production possible and has led to a steady and rapidly increasing scale of wages in this country, combined with economical production and moderate prices for most of the products of the industries of this country.

Is there any reason to think that if the development of the arid section of the United States could be stopped and that great section of our country condemned to remain desert forever, that such result would be

any more beneficial to the Middle West than would have been the case if the argument against the homestead law had prevailed a hundred years ago and the Ohio and Mississippi Valleys had remained a wilderness to this day?

I think that the argument against irrigation development has in all cases been made hastily without any attempt to analyze the problem or to consider the nature of the prevailing crops on the irrigation projects, the slight extent to which such projects affect staple farm crops of which we produce a surplus, and the much greater extent to which such development increases our home markets for all kinds of home products, both manufactured and agricultural. The products grown on the irrigation farms are, in the main, products of which we import a considerable amount from abroad, so that in general the irrigation farms are increasing the home market and producing, in the main, crops which displace a proportion of the products which would otherwise be imported.

It is evident that this same question was considered by President Roosevelt 25 years ago when the reclamation act was passed, for in his message to Congress in 1901, in urging the legislation which resulted in the passage of the reclamation act, President Roosevelt said:

"It is as right for the National Government to make the streams and rivers of the arid region useful by engineering works for water storage as to make useful the rivers and harbors of the humid region by engineering works of another kind. The storing of the floods in reservoirs at the headwaters of our rivers is but an enlargement of our present policy of river control, under which levees are built on the lower reaches of the same streams."

And—

"The reclamation and settlement of the arid lands will enrich every portion of our country, just as the settlement of the Ohio and Mississippi Valleys brought prosperity to the Atlantic States. The increased demand for manufactured articles will stimulate industrial production, while wider home markets and the trade of Asia will consume the larger food supplies and effectually prevent western competition with eastern agriculture. Indeed, the products of our irrigation will be consumed chiefly in upbuilding local centers of mining and other industries, which would not otherwise come into existence at all. Our people as a whole will profit, for successful home making is but another name for the upbuilding of the Nation."

The question which I wish to discuss and analyze at this meeting is the question whether President Roosevelt was correct in the view expressed in his message to Congress in 1901, recommending the reclamation act, or whether the practical results obtained on the Federal reclamation projects prove that President Roosevelt was wrong and that the development of the West should stop for the purpose of preserving a better market for the farm products of the East and Middle West.

A few days ago in Seattle I had occasion to discuss with the chief engineer of one of the largest corporations on the Pacific coast a recent article by Doctor Mead urging State and local cooperation in preparing for the settlement of the Kittitas project in that State. The engineer with whom I was talking, after commenting on this article, which appeared recently in the newspapers, and the apparent difficulty in securing State and local cooperation in irrigation development, said: "This is an industrial country. We can not afford to develop farm lands in competition with the cheap land and cheap labor of Brazil, Argentine, and other foreign countries. What we will have to do is to export manufactured goods and import food products." That was an offhand opinion and not one which I believe would have been expressed after a more careful analysis of the situation.

The plan of importing food products and raw material and then exporting manufactured goods is the one which has prevailed in Great Britain, Belgium, and some other countries for several centuries; not by choice, but by necessity. Because of the large population and small amount of tillable land available in these countries it was impossible to produce all of the food and raw materials needed, and therefore it was a matter of necessity to import food products and also to import raw materials and to manufacture the imported raw materials and then send them to all parts of the world in exchange for the necessary food products and raw materials.

The result of this policy, however, which was forced upon Great Britain by necessity, has not been a happy one. The wages of workmen in Great Britain are only about half what they are in this country, and in Belgium only about one-third what they are in this country; and there are several millions unemployed in England to-day. This is the condition which prevails in time of peace, and during the World War, notwithstanding the fact that Great Britain had a navy double that of the enemy countries, and in addition had the cooperation of the navies of the United States, France, and other allies, the dependence of the British people on imported foodstuffs came very near to resulting in that country being forced into submission through the operations of the submarines of Germany. If we may judge the results of stopping agricultural development and depending on imports of food products and the export of manufactured products to maintain the life of the Nation, from what has occurred in Great Britain where that policy has prevailed for more than 100 years, we certainly would not wish to see that condition duplicated in this country; and, indeed, the British people themselves would never have adopted or carried on that policy if it had not been forced upon them by necessity.

The population of this country is increasing at the rate of about a million and a half each year, and the population of the world is increasing at the rate of about 20,000,000 a year. With the increase of our population we are also steadily reducing the fertility of our lands. The heavy rains of the East and Middle West wash much of the best soil of our plowed lands into the Gulf of Mexico and the Atlantic Ocean, and the production of the staple grain crops makes a steady draft on the fertility of the land which is only partly replaced by the rotation of crops and application of fertilizer. It is true that through the use of better seed, better methods of cultivation, and better strains of livestock there is a temporary tendency toward an increased production per acre; but this can not be permanent or long continued, for better seed and better methods of cultivation merely increase the rate at which we are drawing the fertility from the soil.

It is also true that the substitution of motor power for horsepower has reduced the number of horses and mules in this country to such an extent that 4,000,000 acres of land previously used for the production of horse feed are now available for the production of food for human consumption, but it is only a question of a few years when the steady increase in population will have more than offset this surplus production temporarily made available by substitution of motor power for horsepower and by improved seed and methods of cultivation and improved breeds of livestock.

We are, in fact, burning our candle at both ends by a rapid and steady increase in population and by a steady and rapid exhaustion of the fertility of our lands through the washing away of much of our best soil and the growth of grain crops which take from the soil far more of fertility than is being replaced.

In the arid section irrigation is the permanent and fundamental industry. Mining always tends to exhaust itself and abandoned mining camps are common throughout all sections where metal mining was once the prevailing industry. Timber furnishes a leading industry in some parts of the West, but in most cases the timber is being cut at a far more rapid rate than it is being produced, and we are already in sight of the time when the timber industry will be much reduced in volume. But the farming industry, which in the arid region means irrigation, furnishes a permanent foundation for our Government and civilization and is the foundation on which our manufacturing and commercial industries are based and maintained.

Of those who think that there would be no serious danger in stopping our agricultural development and becoming dependent upon imports of food from abroad, because we could export our industrial products in payment for food and raw material as is done by several of the countries in western Europe, it may be well to ask: If we stop our agricultural development and import into this country the surplus food products of the Argentine, Canada, and Australia, who then will feed the nations of Europe who are now using the farm products of these countries for their support, and who will take care of the requirements of the eighteen and a half million annual increase in population in other countries of the world outside of the United States? If we do not in this broad land take care of our own increase of a million and a half a year, have we any reason to suppose that we will have a free hand in shipping into this country the surplus farm products of Canada, South America, and Australia to the exclusion of the countries which are now dependent on these sources of supply?

It is possible that those who oppose the development of the West by irrigation may reply that it is possible that the time will come when our surplus of wheat and other farm products is exhausted and when we would be obliged to depend on other countries for our food products, but it will be time enough to proceed with our irrigation development when that condition has arrived, and in the meantime nothing should be done to add to or continue the production of a surplus of farm products, and therefore that no more irrigation projects should be constructed. This argument, of course, loses sight of the fact that the construction of large irrigation projects requires many years for the completion of the necessary reservoirs, canals, and other works and additional years for the conquest of the land—the leveling, seeding, ditching, building, and fencing which is necessary before production on a substantial scale can come about. In most cases large irrigation projects initiated at this time will take 10 years to reach a stage where any substantial contribution to farm products will be available, and in the meantime the construction work itself creates a market for farm products as well as all other products.

But the fundamental and final answer to the objections which are raised against irrigation development in the West, as I see it, lies in the fact that when these irrigation projects finally reach a stage of abundant production the class of products grown is so different from the prevailing staple farm products of which we have a surplus that the general effect of the irrigation development is to improve the markets for our staple farm products of the rainfall sections rather than to impair such markets.

As an example, I wish to take a typical reclamation project devoted to diversified farming of a sort which prevails in most of the irrigated sections. For the purpose of this analysis I am taking the Minidoka project in Idaho, because that is a typical project and also because the Minidoka project was developed entirely under the Federal reclamation act in a section where there was no irrigation and no settlement of any kind until this project was constructed. In many cases the Federal projects have been built in communities where there were already towns and some irrigated lands before the Federal project was built. In such cases it is somewhat difficult to determine how much of the growth of the towns and the general development of the whole community was due to the Government project and how much to the private irrigation outside of the Government project. But in the case of the Minidoka project this difficulty does not exist, for this project was located in a section where there was no settlement, no towns, and no irrigation until the Government project was built. This project is also typical and representative in the class of farm products grown.

The figures given here concerning the Minidoka project are taken from the 1927 crop report, which is the latest now available. We find from this report that in 1927 the Minidoka project contained 2,390 farm units. On these 2,390 farm units there were 7,091 residents, and there were 7,950 residents in the project towns. You will see that the number of people supported in the project towns by the development of this project is slightly larger than the number of residents on the farms, the number being 7,091 on the farms and 7,950 in the project towns. It is evident that each of the 2,390 farm units of the Minidoka project supports two families, one family on the farm and one family in the towns of the project.

In addition to these two families supported on the project by each farm unit, it is also certain that the purchases of the two families keep a third family employed in the industrial and commercial centers of the East, Middle West, and Pacific coast, so that each farm unit supports three families—one on the farm, one in the project towns, and one in the industrial and commercial centers of the East, Middle West, or Pacific coast. Of these three families all are consumers of farm products, but only one is producing farm products.

Now, let us see the nature of the prevailing farm products of the project and whether the prevailing effect is to improve the markets for the staple products of the rainfall section or to increase the competition in such markets. On the Minidoka project, as well as on nearly all of our reclamation projects, the crop most extensively grown is alfalfa hay. The project also produces a limited amount of wheat, which is one of the farm crops of which we have a surplus for export. But the acreage in alfalfa and clover is about three times as much as the acreage in wheat.

The figures as to acreage are given separately for the gravity division of the Minidoka project and the pumping division of the project and are as follows:

	Acres
On the gravity division:	
Alfalfa hay	21,992
Alfalfa seed	1,065
Clover hay	468
Clover seed	1,356
On the pumping division:	
Alfalfa hay	15,701
Alfalfa seed	269
Clover hay	1,473
Clover seed	3,130

For the whole project, the total of alfalfa and clover is 45,454 acres, and the total in wheat is 16,229 acres, or approximately three times as much in alfalfa and clover as in wheat.

The main product of the alfalfa and clover acreage is hay, but you will see from the above figures that there is also some alfalfa seed and some clover seed produced. Both alfalfa seed and clover seed are products which we import to a considerable extent, so it is reasonable to suppose that the effect of the production of alfalfa and clover seed is mainly to displace a certain amount of alfalfa and clover seed which would otherwise be imported from foreign countries. This replacement of foreign production by domestic production does not cause any surplus on the American market to depress prices but does have the effect of improving the home market for all other kinds of production, including other kinds of farm products, for the farmer who produces alfalfa seed or clover seed on the Minidoka project will buy at least 90 per cent of his purchases in the form of products, agricultural or manufactured, produced in this country. That is to say, for each dollar spent in buying clover seed or alfalfa seed produced in this country, at least 90 per cent goes back into the purchase of the products of other industries, including other classes of farm products; while if the dollar were expended in buying seed imported from Italy or the Argentine, the proportion would probably be reversed and we would probably sell the Italian or Argentine farmer not to exceed 10 per cent of the products which he would purchase with his farm income.

It is easy to see that this increase in home production in place of foreign production, has a tendency to improve our markets for all kinds of American products, both agricultural and manufacturing, for the workman who produces a sewing machine in Chicago to be used on the Minidoka project, or who produces an automobile in Detroit to be used on that project, buys and uses farm products produced in Illinois, Ohio, and Michigan, as well as the manufactured products of those States and all other States.

The same situation prevails with reference to the much larger acreage devoted to the production of hay, for by far the greater proportion of the hay produced on the Minidoka project and on most of our other irrigation projects, is used in feeding sheep, and we are importing about half of the wool consumed in this country and considerable amounts of lamb and mutton, so that the alfalfa of the Minidoka project, turned into wool, lamb, and mutton, merely replaces a like amount of wool, lamb, or mutton which would otherwise be brought in from abroad, and does not contribute to the production of any farm surplus in this country which would tend to depress prices in the markets of this country. But, on the contrary, the consumption of the three families supported by each farm unit of the Minidoka project increases and protects the home market for all kinds of American products, both manufactured products and the products of the farms of the rainfall belt. The same principle also applies to beef and dairy products, which are also imported.

This is equally true of the sugar-beet crop, which is another leading crop on our irrigated projects. This country imports large quantities of sugar from abroad, as well as wool; and here again the production of the project does not increase any farm surplus in this country, but does increase the markets of this country for all kinds of domestic products, including farm products.

It is true that we do produce on the Minidoka project and on some of the other irrigation projects a small amount of wheat, which is a surplus product in this country, but the amount in wheat compared to the total production of the project is very small and the general effect of the project as a whole is to increase and improve the markets for the farm products of the rainfall section to a greater extent than the limited amount of wheat produced can increase competition in such markets. Indeed, it is generally known and recognized that the irrigation projects are not adapted to wheat production and that such production is not generally or permanently profitable under irrigation and tends to eliminate itself as the project progresses and develops along the lines to which it is best adapted.

In this connection I might have said that the total production under irrigation is such a small proportion of the total farm production of the country that the effect on world markets or national markets could not be very noticeable, but that would be merely a question of degree, and it is more to the point to go to the heart of the matter and analyze the crop situation on the irrigation projects to determine whether the effect (whether great or small) is generally beneficial or detrimental to market prices for the staple crops of the rainfall sections. This we have attempted to do with reference to the products of the Minidoka project, which is a typical irrigation project engaged in general diversified farming, and the conditions prevailing on this project are generally quite representative of those prevailing on most of the other projects.

This analysis of the classes of products chiefly produced on our irrigation farms very clearly demonstrates that the fear that the irrigation development will have a tendency to depress the markets for the products of the rainfall section is entirely unfounded, and that the prevailing effect of these projects is to improve the markets for the staple farm products of the Middle West rather than to depress such markets. So that even from the narrow and purely selfish standpoint of a producer of farm products in the Middle West the objection to irrigation development and the demand that the development of the West should stop is not justified; and surely from the standpoint of a broad national policy no American would wish to see this country reduced to the conditions which prevail in the countries of Europe, where conditions have made it necessary to depend on imported food products.

Fortunately for this country, the products of one section supplement those of another and tend to a balanced condition which is to the benefit of all sections. For instance, those of us who follow the market reports of the Portland livestock market often have occasion to notice that hogs are being shipped into the Portland market from Nebraska and other points in the Middle West by the train load. Undoubtedly if the northwestern section of the United States, and particularly the States of Oregon, Washington, and Idaho, had never been developed or settled the farmers of Nebraska and other States in the Middle West would not have a better but a poorer market for their surplus hog production.

Actual experience of the last 20 years in irrigation development, and careful analysis of the products of the irrigation projects have demonstrated that President Roosevelt was correct and farsighted when he wrote in his message to Congress in 1901:

"The reclamation and settlement of the arid lands will enrich every portion of our country just as the settlement of the Ohio and Mississippi Valleys brought prosperity to the Atlantic States. The increased demand for manufactured articles will stimulate industrial production, while wider home markets and the trade of Asia will consume the larger food supplies and effectually prevent western competition with eastern agriculture. Indeed, the products of our irrigation will be consumed chiefly in upbuilding local centers of

mining and other industries, which would not otherwise come into existence at all. Our people as a whole will profit, for successful home making is but another name for the upbuilding of the Nation."

It is also true that without exception all of the new projects and new divisions of projects undertaken by the Government in recent years have been undertaken largely, if not entirely, for the relief of settlers who are already on the land, have established their homes, and have their farms partially improved, but on account of shortage of water, high pumping lifts, or other adverse conditions are having a struggle to hold their homes and continue their development. This is true of the Minidoka extension division, or Gooding project, in Idaho, the Vale and Owyhee projects in Oregon, the Kittitas project in Washington, and the Salt Lake Basin project in Utah, which constitute the principal new projects now being constructed by the Government. Very similar conditions exist on a number of other proposed projects partially constructed by private enterprise, where the settlers are now urgently petitioning the Government to come to their relief by constructing the necessary works to provide an adequate water supply and to enable the settlers already on the lands to save their homes and the development already made. Such projects as the Stanfield project in Oregon and the Kennewick project in Washington come in this class.

With the entire country contributing money raised by taxation to build levees along the Mississippi River, so that farm crops may continue in that country, and providing appropriations to fight the corn borer in the Middle West, the boll weevil in the South, and the brown-tail moth in New England, it would seem ungrateful for the people of those sections to insist that there should be no help for distressed settlers on irrigation projects in the far West, especially if such help can be extended by the use of the reclamation fund, which comes entirely from the sale of western resources and does not impose any tax burden on any part of the country.

The variations in crops from year to year and the uncertainty of the weather, if nothing else, makes it impossible to produce the exact amount of any crop which is needed for home consumption. If there was no surplus in years of good crops, there would be a famine in years of poor crops. India and China have solved the problem of the crop surplus. They keep their population adjusted to the size of their crops by having a famine every time there is a poor crop. Similar conditions existed at one time in Ireland and on the continent of Europe, but were solved in a different way. The surplus population moved to New York and got jobs on the police force.

Thanks to our crop surplus, we do not know what famine is in this country, and, according to the old proverb, "You never miss the water until the well goes dry."

If a surplus of farm products is really such a bad thing, the most logical thing to do would be to abolish the Agricultural Department, for the Agricultural Department has been working for the last 50 years to check insect pests and to develop better varieties of seed and better methods of cultivation, all for the purpose of increasing the very crops of which we now have a surplus, while the irrigation projects are mainly engaged in producing commodities which we would otherwise import.

If the people of the Corn Belt really want to get rid of the crop surplus it can easily be accomplished. All they need to do is to let the corn borer alone for about three years, and he will take care of the surplus corn crop in fine shape.

It seems hardly consistent to ask the people of the far West to contribute funds to fight the corn borer and build levees along the Mississippi, and then tell us that we should not build any more irrigation projects in the West.

REPORTS OF COMMITTEES

Mr. PINE, from the Committee on Military Affairs, to which was referred the bill (S. 1513) granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines, reported it with an amendment and submitted a report (No. 1329) thereon.

Mr. SACKETT, from the Committee on Commerce, to which was referred the bill (H. R. 12533) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes, reported it without amendment and submitted a report (No. 1330) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 7346. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes (Rept. No. 1331);

H. R. 11983. An act to provide for issuance of perpetual easement to the department of fish and game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho (Rept. No. 1332);

H. R. 12312. An act for the relief of James Hunts Along (Rept. No. 1334); and

H. R. 13606. An act for the relief of Russell White Bear (Rept. No. 1333).

HEARINGS BEFORE THE COMMITTEE ON RULES

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the Senate Resolution 274, submitted by Mr. CURTIS on the 5th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Rules, or any subcommittee thereof, is authorized during the Seventieth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had on any subject before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during any session or recess of the Senate.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills:

S. 3325. An act for the relief of Horace G. Knowles; and

S. 4402. An act authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory in the District of Columbia.

MARKING OF GRAVES OF WIDOWS OF SOLDIERS, ETC.

Mr. VANDENBERG. I submit petitions from 11 boards of managers of soldiers' homes asking for new legislation which will permit an equality of Federal service in marking the graves of widows of veterans as well as veterans. I ask that the resolutions be printed in the RECORD and referred to the Committee on Military Affairs along with a bill on the subject which I introduce.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

(The following quotations—in the nature of petitions to the Senate—are taken from written communications from soldiers' homes in various States:)

MICHIGAN

We feel that in justice to the departed widows of defenders of our country that an amendment should be made to that law whereby markers be furnished by the Federal Government upon application made through proper channels. In the Michigan Soldiers' Home Cemetery we have some 135 widows buried and these graves are without markers.

HARRY W. BUSCH, *Chairman.*
GEORGE S. FARRAR, *Secretary.*

(Signed by entire board of managers of the Michigan Soldiers' Home at Grand Rapids.)

NEBRASKA

You may place us on record as reporting favorably for a bill of this nature. We have this same condition here in our home cemetery.

Signed by—

O. D. BOLSTER,
Adjutant Nebraska Soldiers and Sailors' Home, Burkett, Nebr.

ILLINOIS

I am heartily in accord with the movement to ask the Government to provide suitable markers for the graves for soldiers' widows who are buried in the several State homes and in the national home cemetery. The fact that these wives or widows of service men were compelled to spend their last days in the various homes is traceable to the services rendered by the husbands to their country. Therefore I feel it highly proper that the Government should see that the graves do not go unmarked.

Signed by—

O. C. SMITH,
Managing Officer Illinois Soldiers and Sailors' Home, Quincy, Ill.

SOUTH DAKOTA

Many of our widows' graves have no markers whatsoever. In our opinion this is a very undesirable condition, and I would like very much to see Congress take proper action and have this remedied.

Signed by—

R. B. MOBERLY,
Superintendent South Dakota State Soldiers' Home,
Hot Springs, S. Dak.

NEW JERSEY

We heartily approve of the proposed bill for the Federal Government to provide suitable markers for the graves of soldiers' widows.

Signed by—

BARTON T. FELL,
Superintendent New Jersey Memorial Home for Disabled Soldiers, Sailors, and Marines and their Wives and Widows, Vineland, N. J.

MINNESOTA

I have often thought that there were some widows whose graves should be marked either by the State or by the Federal Government.

Signed by—

S. H. TOWLER,
Commandant Minnesota Soldiers' Home, Minneapolis, Minn.

MISSOURI

I believe this to be a very appropriate movement. We have the same condition at this institution and are forced to use small wooden boards for markers for practically all the wives and widows.

Signed by—

O. D. HALL,
Superintendent State Federal Soldiers' Home of Missouri, St. James, Mo.

INDIANA

We have a cemetery fund out of which the markers for widows' graves are purchased. These are the same dimensions as the markers for the soldiers which the Federal Government furnishes. I believe the Federal Government should furnish the markers for the widows.

Signed by—

Col. CHARLES F. ZILLMER,
Commandant Indiana State Soldiers' Home, La Fayette, Ind.

OKLAHOMA

We have in our home cemetery about 20 unmarked graves of widows of ex-Union soldiers. I am in sympathy with the movement to have congressional action taken to have the Government provide suitable markers for the graves of widows of ex-service men.

Signed by—

N. D. MCGINLEY,
Superintendent Union Soldiers' Home, Oklahoma City, Okla.

NORTH DAKOTA

It is the general consensus of opinion in our board of trustees that this proposition is a proper one in so far as it applies to the graves located in soldiers' home plots, and we favor pushing such a proposition.

Maj. R. A. THOMSON,
Commandant North Dakota Soldiers' Home, Lisbon, N. Dak.

NEW YORK

We have little trouble obtaining suitable markers for widows' graves in our home cemetery, because they are provided through a special committee of the Woman's Relief Corps. Should the attitude of the corps change, however, in the course of a few years, we would be in a similar predicament. Consequently, I am very much in favor of a bill that would provide markers for the soldiers' widows' graves the same as for the veterans.

Signed by—

L. J. HUTCHISON,
Superintendent New York State Woman's Relief Corps Home, Oxford, N. Y.

The bill (S. 4740) to provide for the appropriate marking of the graves of widows of certain soldiers, sailors, and marines in national, post, city, town, and village cemeteries and in other burial places, was read twice by its title and referred to the Committee on Military Affairs, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed (1) to ascertain the location of the graves of widows of soldiers, sailors, and marines, and of soldiers, sailors, and marines of all wars, in national, post, city, town, and village cemeteries, in naval cemeteries at navy yards and stations of the United States, and in other burial places; (2) to provide for the making, erection, marking, care, and maintenance of appropriate headstones of durable stone or other durable material for the graves of all such widows; and (3) to cause to be preserved in the records of his department an accurate register of the names and places of burial of all such widows over whose graves such headstones are erected under the authority of this act. The Secretary of War is hereby authorized to make such rules and regulations as may be necessary for carrying out the purposes of this act.

SEC. 2. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this act.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRUCE:

A bill (S. 4728) granting a pension to A. K. V. Hull (with accompanying papers); to the Committee on Pensions.

A bill (S. 4729) giving civilian clerks, engineer service at large, the same military status as Army field clerks; and

A bill (S. 4730) to authorize Brig. Gen. William S. Thayer, Medical Reserve Corps, and Col. William H. Welch, Medical Reserve Corps, to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered; to the Committee on Military Affairs.

By Mr. MOSES:

A bill (S. 4731) authorizing the appropriation for the rental or purchase of automatic postage-service machines; to the Committee on Post Offices and Post Roads.

A bill (S. 4732) granting a pension to Catherine Ruddy (with accompanying papers);

A bill (S. 4733) granting a pension to Ruth Wyman (with accompanying papers); and

A bill (S. 4734) granting an increase of pension to Ida M. Knox (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4735) granting a pension to Sarah Wilburn; to the Committee on Pensions.

A bill (S. 4736) for the repeal of the provisions in section 2 of the river and harbor act approved March 3, 1925, for the removal of a dam at Grand Rapids, on the Wabash River, Ill. and Ind.; to the Committee on Commerce.

By Mr. ODDIE:

A bill (S. 4737) to amend section 94 of the Judicial Code; to the Committee on the Judiciary.

By Mr. HALE:

A bill (S. 4738) for the relief of Elizabeth Foster Carter (with an accompanying paper); to the Committee on Claims.

By Mr. KEYES:

A bill (S. 4739) authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H.; to the Committee on Public Buildings and Grounds.

By Mr. JONES:

A bill (S. 4741) granting a pension to J. T. Arrasmith (with accompanying papers);

A bill (S. 4742) granting a pension to Martha Hansen (with accompanying papers); and

A bill (S. 4743) granting an increase of pension to Henry S. Stockford (with accompanying papers); to the Committee on Pensions.

By Mr. DENEEN:

A bill (S. 4744) granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois; and

A bill (S. 4745) granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois; to the Committee on Commerce.

By Mr. McKELLAR:

A bill (S. 4746) for the purchase of a post-office site and the erection thereon of a suitable public building at Brownsville, Tenn.; and

A bill (S. 4747) for the purchase of a post-office site and the erection thereon of a suitable public building at Manchester, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. BORAH:

A bill (S. 4748) granting a pension to Mary Coleman (with accompanying papers); and

A bill (S. 4749) granting a pension to Thadeus Cherry (with accompanying papers); to the Committee on Pensions.

A bill (S. 4750) for the relief of the Peckham-Case Furniture Co., of Caldwell, Idaho; to the Committee on Claims.

By Mr. BROOKHART:

A bill (S. 4751) granting an increase of pension to Lew Marek (with accompanying papers);

A bill (S. 4752) granting an increase of pension to Sarah C. Kikendall (with accompanying papers); and

A bill (S. 4753) granting an increase of pension to Laura B. Payne (with accompanying papers); to the Committee on Pensions.

By Mr. SACKETT:

A bill (S. 4754) to provide a 5-year building and extension program for the free public library system of the District of Columbia; to the Committee on the District of Columbia.

By Mr. SMITH:

A bill (S. 4755) granting a pension to Allan H. Browning; to the Committee on Pensions.

A bill (S. 4756) for the relief of Capt. William Cassidy; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 4757) granting a pension to Jessie M. Harlan; to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 4758) granting a pension to Clarissa Jane Snider (with accompanying papers);

A bill S. 4759) granting a pension to Emily Jane Martin (with accompanying papers);

A bill (S. 4760) granting a pension to Elizabeth Hahs (with accompanying papers);

A bill (S. 4761) granting a pension to Nancy S. Walker (with accompanying papers);

A bill (S. 4762) granting an increase of pension to Charles D. Coburn (with accompanying papers);

A bill (S. 4763) granting an increase of pension to Mary C. Morris (with accompanying papers);

A bill (S. 4764) granting an increase of pension to Annie Eliza Wilson (with accompanying papers);

A bill (S. 4765) granting an increase of pension to Elizabeth A. Kidd (with accompanying papers);

A bill (S. 4766) granting a pension to Lucy Ross Guffin (with accompanying papers);

A bill (S. 4767) granting a pension to Sarah F. Waid (with accompanying papers);

A bill (S. 4768) granting a pension to Nancy McHargue (with accompanying papers);

A bill (S. 4769) granting an increase of pension to Ellen Sullivan (with accompanying papers);

A bill (S. 4770) granting an increase of pension to Ginevra Miller (with accompanying papers);

A bill (S. 4771) granting an increase of pension to Emma Howsman (with accompanying papers);

A bill (S. 4772) granting an increase of pension to Louise Lee Cunningham (with accompanying papers);

A bill (S. 4773) granting an increase of pension to Jennie Gabelman (with accompanying papers);

A bill (S. 4774) granting an increase of pension to Susan A. Jones (with accompanying papers);

A bill (S. 4775) granting an increase of pension to Nancy E. Lindsey (with accompanying papers); and

A bill (S. 4776) granting an increase of pension to Jackson St. John (with accompanying papers); to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 4777) authorizing the Atlantic & Pacific Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, at or near Wellsburg, W. Va., to a point opposite in Ohio;

A bill (S.4778) authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River from a point at or near the city of Moundsville, Marshall County, W. Va., to a point opposite in Belmont County, Ohio; and

A bill (S. 4779) authorizing the Baltimore & Cleveland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, at or near Sistersville, W. Va., to a point opposite in Ohio; to the Committee on Commerce.

By Mr. BROOKHART:

A bill (S. 4780) granting a pension to Chalmers A. King;

A bill (S. 4781) granting a pension to Charles H. McCoy (with accompanying papers);

A bill (S. 4782) granting an increase of pension to Mary E. Jefferson (with accompanying papers); and

A bill (S. 4783) granting an increase of pension to Arminda Harlan (with accompanying papers); to the Committee on Pensions.

By Mr. PHIPPS:

A bill (S. 4784) granting a pension to Ethel M. Opper (with accompanying papers); to the Committee on Pensions.

By Mr. NYE:

A joint resolution (S. J. Res. 174) providing for the appointment of a joint committee on the Philippine Islands; to the Committee on Territories and Insular Possessions.

By Mr. SMOOT:

A joint resolution (S. J. Res. 175) to authorize the Secretary of the Treasury to cooperate with the other relief creditor Governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States; to the Committee on Finance.

CIVILIAN ASSISTANTS TO GOVERNOR GENERAL OF THE PHILIPPINES

Mr. BINGHAM submitted an amendment intended to be proposed by him to the bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippines, and fixing salaries of certain officials, which was ordered to lie on the table and to be printed.

REFERENCE OF EXECUTIVE MESSAGES

Mr. CURTIS. Mr. President, I ask unanimous consent for the adoption of the order which I send to the desk.

The VICE PRESIDENT. The clerk will read the proposed order.

The order was read, as follows:

Ordered, That on calendar days of the balance of the second session of the Seventieth Congress when Executive messages transmitting nominations or treaties are received and there is no closed executive session of the Senate, the President of the Senate is authorized, unless objection is made, to refer to the proper committees, as in open executive session, such messages, with the accompanying nominations or treaties.

Mr. BRUCE. Mr. President, I am not sure that I understand the purpose of the request of the Senator from Kansas.

Mr. CURTIS. The object is simply to save time, so that we need have no executive sessions for reference when messages come in from the President, but they may be referred to the proper committees in open session, if there is no objection.

Mr. BRUCE. They are simply to be referred?

Mr. CURTIS. Yes.

Mr. BRUCE. But they are not to be reported until there is an executive session?

Mr. CURTIS. The Senator is correct. The order will save going into executive session for this purpose when we have a late open session.

Mr. BRUCE. We should have an opportunity for a full discussion of executive matters. What I apprehended was that this might be a move in the direction of doing away with executive sessions behind closed doors.

Mr. CURTIS. Not at all. It is only intended for the reference of nominations to the proper committees without the necessity of going into executive session.

Mr. BRUCE. I have no objection.

The VICE PRESIDENT. Without objection, the order is agreed to.

THE NEW RESPONSIBILITIES OF ORGANIZED LABOR

Mr. TYDINGS. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by the junior Senator from New York [Mr. WAGNER] at the convention of the New York State Federation of Labor. The subject is The New Responsibilities of Organized Labor.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE NEW RESPONSIBILITIES OF ORGANIZED LABOR

I deem it a great honor to be invited to address an audience composed of the distinguished leaders of the labor movement in our State. What pleases me especially is the knowledge that I am in the midst of a fireside circle of friends. It is for that reason that I shall discard all attempts at oratory and speak with you intimately and frankly of some of the problems that confront the labor movement to-day. There is ever present in the midst of our labor leaders, a certain militancy and a fighting spirit for progress, which are stimulating. It is this fighting spirit which has made New York foremost in its labor laws enacted to protect our workers in industry. In the course of my work as a legislator in Albany and Washington, I have ever sought and received the advice and help of the men who head the labor movement. Their cooperation and the reasonableness of their attitude have been the largest contributing factors in the enactment of beneficent labor laws in our State and Nation.

I can not agree with those who see dark clouds ahead on the horizon of the American labor movement. On the contrary, I prophesy the increasing importance of organized labor in this country. I am convinced that trade-unionism is bound to acquire a far greater share in determining the economic policies of industry. The time has arrived for labor to contribute to the framing of economic policy and to assume responsibility, with the employer, for its successful application. I have an abiding faith in you. I know that you have not only wisdom to accept such responsibility but the vision to strive for and capture it. Necessarily the whole present relationship of organized labor to industry must change. Instead of a tug of war we shall have a joint venture, instead of conflict we shall have cooperation.

In place of the old relation of master and servant the new day demands a partnership between corporate industry and organized labor. You may say this is a utopian dream. I think it is real. I see only two major obstacles to its realization—obstacles which can be overcome. The first is the labor injunction.

At the outset I should like to make my position clear. There are legal objections to the use of the injunctions in a labor dispute. There are also moral objections, in the sense that its use does not constitute fair play. To-night I should like to emphasize another—the utter folly of the use of the injunction from the point of view of the employers themselves. The shortsightedness of the labor injunction has not been given much attention, and that is the reason I underscore it this evening. One does not require a diploma from the school of prophecy to see that in the long run the injunction can not stop the organization of labor. Organization springs from the most profound needs of human nature. You can not destroy the desire to organize; you can only balk it for a time. But just as surely as mankind has been marching slowly but irresistibly toward the goal of political democracy, just as surely and just as irresistibly are the workers going ahead to win for themselves greater rights in business and industry.

What is the effect of the injunction? I am still looking at it from the point of view of the employer. Its effect is just to postpone the formation of an adequate labor organization. It is keeping the labor movement in its fighting period; it is preventing the labor movement from coming to full maturity and assuming the tasks and responsibilities for which it is preeminently fitted. Cooperation is a hollow word as long as the threat of the injunction hangs over lawful unionization. The lamb and the lion can never cooperate. The lamb may be docile or the lion generous but cooperation is given only to equals. To match the huge aggregates of modern capital the wage earner must be organized before he is ready to give cooperation to his employer. Many farsighted employers of labor know the truth of what I say and practice it. They are not enjoying the full benefit of their wisdom because of the conduct of their narrow-minded brethren. To the employers who speak of cooperative effort and apparently appreciate its value, I must say: Sweep the writs of injunction out of the pigeonholes in your desks—injunctions and cooperation are deadly enemies.

I have heard lawyers plead for a labor injunction and speak of it with such awe and reverence, as if it were one of those inalienable human rights for whose preservation the Declaration of Independence was written and the Revolutionary heroes fought and died. The Constitution, in fact, does not mention labor injunctions. It does speak of freedom of press, of freedom of speech, of freedom of assemblage. These are rights guaranteed by the Constitution and curtailed by the injunction.

The first Supreme Court decision dealing with a labor injunction is, to my knowledge, the famous Debs case of 1895. It sustained an injunction prohibiting, among other things, forcible interference with the transportation of United States mails.

During the 33 years that have since elapsed that court has sustained many varieties of labor injunctions. For every labor injunction case that reaches the United States Supreme Court dozens literally are granted by the district courts. Throughout the country we find labor organizations writhing under stifling restrictions against conduct which every open-minded man must call innocent. Such a condition can not safely endure. I intend no criticism of the courts; none is necessary. The decisions of the Supreme Court foreclose all discussion as to what the law is. They never foreclose discussion as to what the law ought to be. It is clearly within my province as a member of the United States Senate to help bring about a change in the law, because right now the law is not what it ought to be. As a matter of fact, a substantial minority of the Supreme Court itself believes the law ought to be otherwise. Many of you are probably familiar with the Hitchman case. In that case the workmen were employed with the understanding that they were not to become identified with a union. Labor organizers were none the less persuading the men to join. They were prohibited from doing so by a district judge. The circuit court of appeals reversed the decree of the district judge, but the Supreme Court agreed with him. The litigation took 10 years. The Supreme Court itself heard argument twice and held the case under consideration for a year and 10 months. Three judges dissented. They realized the consequence of that decision. There wasn't any serious disagreement between the minority and majority on the law applicable to the case. They differed as to what was good governmental policy. Time has undeniably demonstrated that the three were right. That decision has since become the model and inspiration for a host of injunctions based upon a promise not to join a union.

To my way of thinking, it is contrary to the spirit of our free institutions to prohibit a workman from associating with his fellow citizens for the purpose of improving his conditions. To the wage earner the union represents bargaining power, better living conditions for his wife and children, even a sense of security. Is the law to become the ally of the employer who wants to prevent his employees from attaining these ends?

I have heard these injunctions defended on the ground that the sanctity of contracts must be maintained. Of course, contracts must be given full protection under the law. But what a mockery it is to call these antiunion promises contracts. Before you can call such a promise a contract you must assume that there is in fact a mutual understanding between the parties who enter it; that there is a possibility of bargaining between them. You have to assume that it is sound public policy to have a workman surrender his God-given right, guaranteed by the Constitution, freely to associate with his fellow craftsmen for their mutual benefit. You have to assume that it is good policy to prevent workmen from banding themselves together to reduce somewhat the risks and insecurity of their employment. Every one of these assumptions is obviously false. There is no genuine bargaining, because no bargaining is possible between the lone, unorganized laborer and the large corporate employer. It is as un-American to forbid a man to identify himself in a union with his fellow workmen as it would be to forbid him to join a political party of his fellow citizens. To enforce an antiunion promise by injunction is as unsocial in policy as it would be to prevent an employer to exact a promise from a workman not to buy life insurance. There are, after all, limitations upon the price the employer may demand in return for the job. If he exacts from the workman, under economic pressure, every right and liberty guaranteed by the Constitution, he should not invoke that Constitution to enforce his unholy bargain.

One of the objectionable aspects of the injunction is that the harm it does is irreparable.

In the Hitchman case, for instance, 10 years elapsed between the issue of the injunction and the final determination by the Supreme Court. What good would a reversal have accomplished? By that time the fight was over. The injunction had already served its purpose. In the case of American Steel Foundries *v.* Tri-State Central Trades Council, the injunction forbade picketing and persuasion. Seven years later the United States Supreme Court modified the injunction by permitting a single picket. I don't suppose the picket was posted, as I am told that the strike had ended seven years earlier. These instances destroy the argument that the injunction maintains the status quo. It does nothing of the sort. The status quo is a dispute and the injunction gags one of the debaters.

It is hardly necessary for me to say that I am not referring to injunctions to prevent imminent violence where the police can not or will not cope with it. I have in mind injunctions against peaceful unionization, against publicity, against persuasion, and against other well-known lawful methods of trade-unionism.

This type of injunction represents an intrusion by government in industry—not a constructive but an obstructive intrusion. It enters not to solve the problem but to prevent its solution by the parties to the controversy. The use of the injunction is squarely opposed to the popular demand for a minimum of government in business.

I never could quite see with what consistency a small group of employers of labor could shout for less government in business and at the same time ask for more and more injunctions from the judicial branch of the Government.

If the injunctions were out of the way a really adequate and all-embracing labor movement could be developed which would serve as real power for efficiency and security. As long as labor has to fight for its existence, it can not and will not worry about the problems that confront the industry. For the good of industry, and for the benefit of the intelligent mass of employers of labor, as well as for the protection of the rights and liberties of our workmen, legislation must be adopted to do away with the injunction abuse.

Without committing myself to the particular bill, I am personally in hearty accord with the principle underlying the draft of the anti-injunction law prepared by the Judiciary Committee of the United States Senate.

Earlier in my remarks I spoke of two major obstacles in the path of a greater future for organized labor. The one, the injunction, is a legal reality; the other is a state of mind.

Many are guilty of the habit of thought that the wage earner has no stake or interest in business and is not concerned with its efficiency or prosperity. One bold statistical fact ought to dispel this notion. I have examined the pay rolls and dividend totals of six outstanding business organizations. The average stockholder was paid a dividend of $176, the average wage earner $1,759. In other words, the average wage earner secured from the corporation ten times as much as the average stockholder. In the face of such figures is it fair to say that only the stockholder has an interest in business and that the wage earner has none? My comparison is not yet complete. You should further consider that the wages constitute the workman's total income, whereas the dividend is in most cases only a fraction of the stockholder's income. Then, again, compare how easy it is to sell the stock of one corporation and buy that of another, and how difficult it is to quit work in one plant and obtain it in another. If you take these elements into consideration, you come to realize how real an interest the wage earners have in the plant in which they work.

Let me state my view plainly: I believe that organized labor must become responsible for efficiency in production and progress in industry.

It can not be otherwise. As soon as organized labor is accepted as an integral and necessary part of our social structure, and the ill-advised efforts to destroy it are abandoned, and the struggle for mere existence terminated, labor will naturally turn to these newer tasks and to this greater vision. Capital, on the other hand, admits that responsibilities and risks must have their compensation. Labor will naturally refuse to assume them unless it feels confident that it will enjoy the benefits of success.

Our thinking on the subject, I believe, would become clearer if we no longer spoke of wages as costs. As soon as costs are mentioned the efficiency expert jumps to the conclusion that he has to bear downward. But wages must not be kept down.

The true highway to prosperity is along the road of high wages. Wages, like dividends, represent that which is taken out, not that which is put into industry. Good management has as its aim not only high dividends but high wages. Good management recognizes that in organized labor there is the greatest untapped source of efficiency, high wages, and high dividends. I do not hesitate to say that to my mind the nation which first succeeds in fully establishing the new relationship between capital and organized labor will have an incalculable advantage in securing to itself the economic mastery of the world.

With all the earnestness at my command let me call your attention to our gravest industrial problem, the malady of unemployment. No other business problem is more urgent or more important and none other has been so woefully neglected. Many of our leaders and statesmen seem afraid to talk of unemployment. Apparently the subject is unpopular. Others have the naive faith that denying the existence of enforced idleness will create a wave of optimism which will start the silent machines into life again. Modern unemployment is not quite as simple as that. Silence and neglect will never bring about its elimination. It will take sound information, wise planning, and scientific coordination beyond anything dreamt of to-day.

Thus far the Government has not taken even the first stride. We have had two acute attacks of unemployment in the last seven years. No practical application has yet been made of the sorry lessons we should have learned.

The information published by the Government is startlingly inadequate. For reasons unknown to me there are two bureaus which publish reports on unemployment. For July the Commissioner of Labor Statistics reports a further decrease in the number at work and an even greater decline in the amount of the pay roll.

On the other hand, the Director General of United States Employment Service, as usual, sees nothing but bright prospects. Which of the two bureaus is right no one knows.

Government building operations and other projects have been prosecuted without regard to whether employment was scarce or plentiful. No concerted attention has been paid to the multitudes of workmen whose jobs have been taken by machines. So far as the Government is concerned, the word unemployment is taboo.

Here, then, is a task for organized labor. It can prod the Government into action. It may attempt some remedy itself. It is unnecessary at a labor meeting to describe the cruel effects of idleness upon the man without a job. But I believe it is time to remind you of the threat which it holds to standards established by the efforts of organized labor.

Longer hours and lower wages do not cure unemployment; on the contrary, they aggravate it. As long as there are idle men on the streets pressure in the downward direction will be exerted. Organized labor must resist that with all the power at its command. It should insist that wage earners be given enough buying power to purchase the product of their efficiency. Let the laborer insist on more leisure in the form of shorter hours, in freedom from work for his wife or children, prolonged education, and more comfortable retirement. On a national scale the loss in time is the same whether caused by unemployment or leisure. But the one breeds poverty, the other life and happiness; the one builds citizens, the other public wards. The one can be accomplished by cooperative understanding with a well-organized, well-disciplined, far-visioned labor movement, the other is a child of chaos.

There are great tasks ahead for an enlightened labor movement. It must first achieve for itself an impregnable status, legal and economic. Necessarily it will have to secure a voice in the formulation of business policy. It is called upon to assume the leadership in withstanding the encroachment of poverty upon progress. Under your present leadership you are on the road to achieve these ends. I wish you Godspeed, because with your success is bound up the happiness of the next generation.

BOULDER DAM

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order.

Mr. JOHNSON. Mr. President, I ask that the unfinished business be laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

The VICE PRESIDENT. The pending amendment is that offered by the junior Senator from Arizona [Mr. HAYDEN] to the substitute amendment offered by the Senator from California [Mr. JOHNSON].

Mr. JOHNSON. Mr. President, in order that the Senator from Nevada [Mr. PITTMAN] may be here, as he desires to address the Senate, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McMaster	Smith
Barkley	Frazier	McNary	Smoot
Bayard	George	Metcalf	Steck
Bingham	Gerry	Moses	Steiwer
Black	Gillett	Neely	Stephens
Blaine	Glass	Norris	Swanson
Blease	Glenn	Nye	Thomas, Idaho
Borah	Goff	Oddie	Thomas, Okla.
Bratton	Gould	Overman	Trammell
Brookhart	Greene	Phipps	Tydings
Broussard	Hale	Pine	Tyson
Bruce	Harrison	Pittman	Vandenberg
Capper	Hawes	Ransdell	Wagner
Caraway	Hayden	Reed, Mo.	Walsh, Mass.
Copeland	Heflin	Reed, Pa.	Walsh, Mont.
Couzens	Johnson	Robinson, Ark.	Warren
Curtis	Jones	Sackett	Waterman
Dale	Kendrick	Schall	Watson
Deneen	Keyes	Sheppard	Wheeler
Dill	King	Shipstead	
Edge	Locher	Shortridge	
Fess	McKellar	Simmons	

Mr. NORRIS. I desire to announce that my colleague [Mr. HOWELL] is unable to be present on account of illness.

Mr. BLAINE. I wish to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent.

Mr. SHEPPARD. My colleague the junior Senator from Texas [Mr. MAYFIELD] is absent on account of illness. This announcement may stand for the day.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

SENATOR FROM NEW MEXICO

Mr. BRATTON. Mr. President, I present the credentials of Hon. OCTAVIANO A. LARRAZOLO, Senator elect from the State of New Mexico, and ask that they may be read.

The VICE PRESIDENT. The credentials will be read.

The credentials were read and ordered to be placed on file, as follows:

THE CANVASSING BOARD OF THE STATE OF NEW MEXICO.

To all to whom these presents shall come, greeting:

This is to certify that OCTAVIANO A. LARRAZOLO was duly and regularly elected in accordance with law to the office of United States Senator (short term ending March 4, 1929) at the general election held in the said State of New Mexico on the 6th day of November, in the year 1928, as shown by the returns of said election on file in the office of the secretary of state and as declared and determined by the State canvassing board, consisting of the governor, the secretary of state, and the chief justice of the State of New Mexico.

In testimony whereof we have hereunto set our hands and caused to be affixed the great seal of the State of New Mexico this 3d day of December, A. D. 1928, and of the independence of the United States the one hundred and fifty-second.

R. C. DILLON,
Governor of New Mexico.
FRANK W. PARKER,
Chief Justice of New Mexico.
[SEAL.]
JENNIE FORTUNE,
Secretary of State of New Mexico.

Mr. BRATTON. Mr. President, the Senator elect is in the Chamber and prepared to take the oath of office.

The VICE PRESIDENT. The Senator elect will present himself at the Vice President's desk to take the oath of office.

Mr. LARRAZOLO, escorted by Mr. BRATTON, advanced to the Vice President's desk; and the oath prescribed by law having been administered to him by the Vice President, he took his seat in the Senate.

On motion of Mr. REED of Pennsylvania and by unanimous consent, it was

Ordered, That Mr. LARRAZOLO be assigned to membership upon the Committees on Agriculture and Forestry, Public Lands and Surveys, and Territories and Insular Possessions.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower

Colorado River Basin, and for the approval of the Colorado River compact, and for other purposes.

Mr. JOHNSON. Mr. President, there was a colloquy between the Senator from Utah [Mr. SMOOT] and myself the other day in respect to the ability, as it were, of the Reclamation Service engineers to construct dams within the estimates made by the department. I have before me the figures as to the dams which have been constructed. At that time it was asserted by the Senator from Utah that excepting in one instance the cost had always exceeded the estimates, and quite as vigorously as he asserted it I denied that that was the fact.

The facts are these: The American Falls Dam was estimated to cost $8,500,000 and was actually constructed for $7,300,000.

The Arrow Rock Dam was estimated to cost $6,250,000 and was actually constructed for $4,496,000.

The Avalon Dam was estimated to cost $162,000, but for various reasons, which are stated and that hereafter I shall put into the RECORD, the cost was $315,000.

The Belle Fourche Dam was estimated to cost $1,040,000 and cost $1,259,000.

Mr. KING. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. KING. Do the figures the Senator is now giving cover merely the cost of the dam or the cost of the entire project, including the laterals, canals, and so on?

Mr. JOHNSON. I am speaking solely of the dams. The Black Canyon Dam at Boise was estimated at $1,800,000, and the actual cost was $1,492,000.

The East Park Dam was estimated to cost $198,000, and the actual cost was $196,000.

The Echo Dam was estimated to cost $1,394,000, and the actual cost was $1,125,000.

The Elephant Butte Dam was estimated to cost $5,600,000 and actually cost $5,004,000.

The Gibson Dam was estimated to cost $1,826,000, while the actual cost was $1,566,000.

The Guernsey Dam was estimated to cost $1,780,000, and the actual cost was $1,700,000.

Without reading the figures as to all the dams, I ask permission to put in the RECORD, unless the Senator from Utah desires me to read it, the statement as to each one of them, with the estimated cost and the actual cost.

Mr. SMOOT. Mr. President, I could not follow satisfactorily the statement read by the Senator. I have no objection to having the figures put in the RECORD, but some of the dams to which the Senator has referred as costing less than the actual estimate have not been completed.

Mr. JOHNSON. I am reading the figures that have been given by the Reclamation Service.

Mr. SMOOT. I understand that, and I have no objection to the Senator doing so.

Mr. JOHNSON. Very well.

The VICE PRESIDENT. Without objection, the table will be printed in the RECORD.

The table entire is as follows:

Principal dams constructed or under contract by the Bureau of Reclamation

Name	Project	Estimated cost	Actual cost
American Falls [1]	Minidoka	$8,500,000	$7,300,000
Arrowrock [1]	Boise	6,250,000	4,496,731
Avalon	Carlsbad	162,000	[2] 315,989
Belle Fourche	Belle Fourche	1,040,416	[3] 1,259,515
Black Canyon	Boise	1,800,000	1,492,305
East Park	Orland	198,000	196,120
Echo	Salt Lake Basin	[4] 1,394,590	[5] 1,125,098
Elephant Butte [1]	Rio Grande	5,600,000	5,004,216
Gibson	Sun River	[4] 1,826,129	[5] 1,566,240
Guernsey	North Platte	1,780,000	1,700,351
Kachess	Yakima	712,000	661,000
Keechelus	do	[6] 1,069,000	[7] 1,892,778

[1] Dam and reservoir.
[2] Increase due to use of concrete core wall instead of sheet piling, two new tunnels to increase spillway capacity, and an additional spillway of reinforced concrete. These changes cost over $100,000.
[3] Failure of contractors delayed work two years, and this, together with additional construction of a gravel berm and installation of auxiliary valves, increased the estimated cost.
[4] Engineer's estimate of cost of principal construction. Does not include gates, cement, or other accessories and materials furnished by the United States.
[5] Contractor's bid.
[6] Modified by board report of Dec. 16, 1913, to $1,337,000.
[7] Difficulty of obtaining suitable material increased cost by $240,000. Other changes which greatly increased the original estimate were riprapping, inclusion of concrete cut-off wall, changes in tunnel scheme, increased excavation for spillway and heavier concrete lining, additional road construction and clearing and logging reservoir—the latter item alone costing $290,000.

Principal dams constructed or under contract by the Bureau of Reclamation—Continued

Name	Project	Estimated cost	Actual cost
Laguna	Yuma	$972,455	[8] $1,980,462
McKay	Umatilla	2,500,000	2,116,828
Pathfinder [1]	North Platte	[9] 1,000,000	[10] 1,794,366
Roosevelt	Salt River	[11] 3,750,000	[12] 3,806,277
Shoshone	Shoshone	[13] 1,000,000	1,439,135
Stony Gorge	Orland	[4] 609,524	[5] 518,904
Tieton [1]	Yakima	4,020,000	3,756,256
		44,184,180	42,422,571

[1] Dam and reservoir.
[4] Engineer's estimate of cost of principal construction. Does not include gates, cement, or other accessories and materials furnished by the United States.
[5] Contractor's bid.
[8] The surface of the dam was paved with concrete instead of rock as originally intended, due to poor quality of rock obtainable. Notwithstanding predictions of geologists, the rock uncovered in the quarries was found unsuitable for such paving, and its use had to be abandoned in favor of concrete. Sluiceways were also paved with concrete for the same reason. There was considerable waste in quarrying, at times 50 per cent, due to poor quality of rock, thereby greatly increasing excavation quantities. Use of sheet piling had to be considerably increased. The river break into Salton Sea increased transportation difficulties by rendering the river unnavigable. There was a large increase in cost due to increase in price of labor and materials.
[9] No detailed estimate found, but early board reports show $1,000,000 allowed for Pathfinder Reservoir.
[10] Increase partly due to the building of an additional outlet tunnel, and changes made in north tunnel, both together amounting to $641,000.
[11] 190-foot dam.
[12] 220-foot dam.
[13] No detailed estimate found, but early correspondence gives $1,000,000 as the preliminary estimate.

Mr. JOHNSON. I have a letter, which I will read, from the Commissioner of the Reclamation Service. It is dated as late as December 6 and is addressed to me. It is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, December 6, 1928.

Hon. HIRAM JOHNSON,
United States Senate.

MY DEAR SENATOR JOHNSON: In reply to your telephone request of yesterday, I am having a compilation made showing a comparison of the engineer's estimate with the actual construction cost of the major dams constructed by this bureau. In addition to the list of 19 dams contained in the table on page 87 of the Reclamation Era for June, 1928—

It is that page of the Reclamation Era which I have just asked to have printed in the RECORD, and for which consent has been granted—

we have had time this morning to look up only the following:

Strawberry Dam, Strawberry Valley project

Estimated cost	$262,000.00
Actual cost	271,724.08

This dam overran the estimate due to difficulties encountered in excavating the trench for the concrete core wall and increase in the price paid for teams during construction.

Gerber Dam, Klamath project

Estimated cost	$341,000
Actual cost	336,241

Willwood Dam, Shoshone project

Estimated cost	362,000
Actual cost	352,948

OWYHEE DAM, OWYHEE PROJECT

Contract was recently awarded for this dam, which is to be higher than any existing dam, involving 490,000 cubic yards of concrete. Bids were received from seven contractors, the prices bid ranging from $295,000 below the engineer's estimate to $1,214,000 above. On the basis of the contract as awarded to the General Construction Co., the comparison of actual and estimated costs is as follows:

Estimated cost	$5,242,513
Actual cost	4,947,716

Figures on other dams constructed by this bureau are being compiled and will be furnished you as soon as they can be assembled.

Yours very truly,

ELWOOD MEAD, *Commissioner.*

Mr. PITTMAN rose.

Mr. JOHNSON. Mr. President, I understand that the Senator from Nevada [Mr. PITTMAN] desires to proceed at this time.

Mr. PITTMAN. I will say to the Senator from California that I have a short analysis of the report of the commission appointed to investigate the Boulder Dam which I desire to read at some convenient time.

Mr. JOHNSON. I yield the floor to the Senator from Nevada.

Mr. PITTMAN. Mr. President, a favorable report as to the safety and the economic and engineering feasibility of the proposed Boulder or Black Canyon Dam on the Colorado River has been submitted to the United States Senate by the special commission appointed by the Secretary of the Interior, with the approval of the President, under Senate Resolution 164. As to the engineering feasibility of the project, the commission reports that—

> The engineering feasibility of the proposed dam across the main stream of the Colorado River at Black Canyon or Boulder Canyon is basic.

I take it that that settles all of the doubts which may have been created with regard to the engineering feasibility of the project.

Mr. ASHURST. Will the Senator pardon me if I request him to read that again? There was so much confusion in the Chamber that I could not well hear the statement.

Mr. ROBINSON of Arkansas. Mr. President, let us have order.

The VICE PRESIDENT. The Senate will be in order.

Mr. PITTMAN. Mr. President, I have simply prepared a short analysis of the report of the commission appointed by virtue of a resolution of the Senate to report upon the engineering, geological, and economic feasibility of the proposed Boulder Dam. The reason I have done that is that a statement has appeared in one of the daily newspapers, attributed to the senior Senator from Utah, questioning the economic soundness of this proposed structure. As I recollect, in his speech at the last session he questioned not only its economic soundness but its engineering and geologic feasibility.

Mr. SMOOT. As reported to the Senate at that time and as reported by Mr. Weymouth.

Mr. PITTMAN. At that time the Senator from Utah spent considerable time trying to prove the site was within an earthquake belt. The commission also discussed that question.

I think it is well to have a brief analysis and synopsis of that commission's report, as undoubtedly it will have a tremendous bearing upon the action to be taken by the Senate.

As to the engineering feasibility, the commission reports that—

> The engineering feasibility of the proposed dam across the main stream of the Colorado River at Black Canyon or Boulder Canyon is basic.

That ends that question.

The commission favors the Black Canyon site. This is the dam site recommended by the Department of the Interior and adopted in the pending legislation. In selecting the Black Canyon site the board declares—

> The board is of the opinion that the Black Canyon site is suitable for the proposed dam and is preferable to that of the Boulder Canyon.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. PITTMAN. Yes, sir.

Mr. ROBINSON of Arkansas. How far removed is the Black Canyon site from the Boulder Canyon site?

Mr. PITTMAN. I will answer that now, as I anticipated that the question would be asked.

Mr. ROBINSON of Arkansas. Very well.

Mr. PITTMAN. It will be remembered that these two dam sites are only 30 miles apart, and are both situated in what is generally known as Boulder Canyon. The Department of the Interior first examined Boulder Canyon before selecting Black Canyon, and therefore the name "Boulder" was continued to be used as descriptive of the dam to be built at Black Canyon.

In speaking of the geological formation, the commission says:

> It is an almost ideal rock for tunneling, is satisfactory in every essential, and is suitable for use in construction.

An effort was made to arouse doubt in the minds of Senators and others as to the safety of the proposed dam by reason of dangers from earthquakes. As to this the commission reports that—

> The district is recognized as having comparative freedom from present-day earth movements, and the conclusion is that danger from local earthquakes of enough violence to threaten a properly constructed dam in Black Canyon is negligible.

So that ends the earthquake scare.

Again, in connection with the proposed dam, the board gives its conclusions as follows:

> The board is of the opinion that it is feasible from an engineering standpoint to build a dam across the Colorado River at Black Canyon that will safely impound water to an elevation of 550 feet above low water.

The pending legislation provides for the building of a dam approximately 550 feet in height.

As to flood control looking to the protection of lands on the lower Colorado River in Arizona and California against flood menace and the destruction of Imperial Valley, which is imminent, the report of the commission is of vital importance. In fact, flood control is the primary purpose of such construction and imposes upon Congress the duty of immediate action. With regard to this matter, the commission reports that—

> A dam of 550 feet above low water, across the Colorado River at Black Canyon, impounding 26,000,000 acre-feet of water, will be adequate, in the opinion of the board, to so regulate the flow of the lower Colorado as to control ordinary floods, to improve the present navigation possibilities, and to store and deliver the available water for reclamation of public lands and for other beneficial uses within the United States.

In discussing the necessity for a large reservoir capacity to impound the waters of extraordinary floods the commission says:

> The high-water flow of the flood of 1884 is reported to have been 380,000 second-feet. Such a flood, or one of greater magnitude, is to be expected. * * * A flood of this magnitude could be so controlled at the dam as to limit the flow in the river below to about 160,000 second-feet.

It is evident that the commission considers that any lesser control of the floods of the Colorado River will fail to remove the dangers of flood menace. This decision eliminates further consideration of Topock or other reservoir sites further down the river as totally impracticable, because the reservoir sites below are not of sufficient magnitude to anywhere near impound the amount of water that the commission states it is essential to impound. In other words, the commission states that the flow on certain occasions has been as high as 380,000 second-feet of water. That means a cubic foot of water passing a given point in a second. It maintains that to be safe the flow must be controlled to 160,000 second-feet below the dam. In other words, it is necessary to control 220,000 second-feet of water, to restrain it in a reservoir. There is no other reservoir down the river from that dam that will impound any such quantity of water at all. I think the Topock Dam was mentioned, but it would not impound one-half of the water required, according to this report.

Mr. KING. Mr. President, will the Senator yield?

Mr. PITTMAN. Certainly.

Mr. KING. Are there any figures in the record—and, as the Senator knows, the record is very voluminous—showing exactly or substantially what may be impounded at Topock?

Mr. PITTMAN. The plan that they had on foot was to impound 10,000,000 acre-feet.

Mr. KING. Yes; I appreciate that; but I was wondering if the engineering reports, including Mr. Kelly's and Mr. Weymouth's and all, had indicated the height to which the dam might be built at Topock, and the ultimate capacity or the maximum capacity of any dam at Topock.

Mr. PITTMAN. As I recollect the Weymouth report and the others, the maximum economic dam—that is, reasonable cost dam—at Topock would impound 10,000,000 acre-feet of water, which is only about one-third of what will be impounded by the dam proposed in the legislation. The banks are low at that point; the hills are low and wide apart and slope off very rapidly. For every acre-foot that you increase the capacity you more than quadruple the cost; and no report has ever found that they could impound at that place over 15,000,000 acre-feet of water, which is only about one-half the amount proposed to be impounded in the present reservoir at Boulder Canyon.

Mr. KING. The Senator will recall that a number of the reports indicate that the amount which is to be impounded for flood control need not exceed 5,000,000 acre-feet. It has always seemed to me, however, that those reports did not deal with all of the factors involved, and that they were rather baseless as a foundation for any development of the river.

Mr. PITTMAN. They seem to be. This commission places a greater factor of safety not only in the dam but in the capacity of the reservoir. You will notice that the commission states that it will control the water below the dam in all of those exceedingly high floods to 160,000 second-feet. It has been held by some engineers that to control it to 50,000 second-feet would give substantial safety, taken into consideration with levees that might be erected. On the other hand, however, that is the lowest estimate. The engineers, for the sake of safety, have found it necessary not to consider the ordinary spring freshets but to consider the maximum flood, because it is the maximum flood that will cause the destruction when it comes, if it does come. Therefore they have stated the maximum safety point for the control of the flood below the dam in freshet season at 160,000 second-feet. In other words, they would have to hold back in the spring over half of the flood waters that come

down, over half of the 380,000 second-feet that in the past have come down and may come down again; and, in fact, there is evidence that there was 500,000 second-feet on one occasion. They must have a reservoir that will impound over half of that flood and stop it so as to let down only enough for safety.

Mr. KING. May I say to the Senator at that point, that if there is to be a repetition of floods of the magnitude just indicated, in view of the recommendation by the commission, that it would be unsafe and unwise to permit the floods to overflow the dam, it is obvious that unless there are proper spillways and sufficient tunnels to dispose of a flood of this magnitude, the dam would be jeopardized by permitting overflows.

Mr. PITTMAN. The commission recognizes that fact, takes it into consideration, and, through tunnels, doubles the spillway capacity provided by the Secretary of the Interior. The Department of the Interior provided spillways for 100,000 second-feet, while this plan provides for 200,000. In other words, the diversion tunnel around the dam will have twice the capacity that was estimated in the plan of the Department of the Interior. It is that and the strengthening of the dam that causes the increased cost in this matter.

Now we have disposed of the engineering and the geological features; we have disposed of what is essential to flood control, and of course that is the primary purpose of this legislation.

Mr. OVERMAN. Mr. President, I should like to know whether the report of the commission shows the character of the foundation upon which this great dam is to be erected, and whether it is the character of rock necessary to hold such a dam. I think that is very important.

Mr. PITTMAN. I will turn back and read what I had just read before the Senator entered the Chamber, because it is exceedingly important.

In the first place, the board says:

> The board is of the opinion that the Black Canyon site is suitable for the proposed dam and is preferable to that of the Boulder Canyon.

Then it goes on again to say:

> It is an almost ideal rock for tunneling, is satisfactory in every essential, and is suitable for use in construction.

The board also goes on and discusses the question of liability to earthquakes. I will read that again for the benefit of the Senator.

Mr. OVERMAN. I heard that.

Mr. PITTMAN. I have read that portion of the report—I am giving only a synopsis of it—which discloses the necessity for a large reservoir that will capture over half of the enormous freshet floods on that river. I thoroughly agree with them.

Now, let us get down to the economics of the situation. There has been more misunderstanding with regard to the economics affecting this than one can imagine. I have heard it estimated that this dam would cost as high as $250,000,000. Let us see what the commission says.

The commission, in a spirit of conservatism and to eliminate any possible danger of destruction of life or property by reason of possible insufficient strength of structures, has recommended certain structural changes in the dam, as well as enlarged spillways, which will entail a greater expense for such construction. This increased expense will not prevent the economic success of the project. I mean that, taking the cost of this new plan of the commission, the power sold at three-tenths of a cent per kilowatt-hour will pay for this whole dam project, the whole cost of the dam and the reservoir together, with interest on it at 4 per cent, in less than 25 years. Now, let me go on and prove that.

Mr. KING. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. KING. I did not hear all the Senator said. The report indicates that in order to make the undertaking economically feasible, the cost of the all-American canal must be eliminated, and the cost that might be attributed to flood control would also be eliminated from the capital. So that the amount which would finally be a charge, and which would have to be repaid to the Government, would be only a fraction, of course a large fraction, of the cost of the entire enterprise.

Mr. PITTMAN. You will have to construe the language of the commission in that regard, which I am now about to quote, in connection with their figures; you can not get at anything until you do that. But as far as the all-American canal is concerned, the all-American canal is an entirely separate enterprise, as far as the repayment to the Government is concerned. Mind you, when this commission's report was undertaken, they were requested to consider the House bill, not the Senate bill, because the House bill had passed one body.

What was the difference between the House bill and the Senate bill? The House bill grouped the entire cost, not only of the dam and reservoir, but of the all-American canal, and primarily made the revenues from power derived from the waters impounded in this dam responsible not only for the payment to the Government of the cost of the dam and the reservoir, but also of the all-American canal.

Mr. KING. Mr. President, if the Senator will further yield, I concede the accuracy of the Senator's statement, but in the mind of the public, and I am sure in the minds of most of the Senators, this project has not been divided and segregated; it has been treated in its entirety, and the impression has been given out that the revenues to be derived from power, power alone, would pay for the entire project, which meant, according to the impression which many received, not only the construction of the dam and the power house, or the power machinery, but also of the all-American canal. But the report of this commission indicates that that is not true, that it would not be economically feasible, and, indeed, the report says that if you eliminate the all-American canal, and eliminate the cost of that part of the dam which might be attributable to flood control, and then call for returns only upon the residue, which would be something like eighty or ninety million dollars, possibly it might be economically feasible.

Mr. PITTMAN. I will have to read it later on, to get the Senator's language exactly correct. But, as a matter of fact, we are not considering the House bill; we are now considering the Senate bill, which has been accepted as an amendment to the House bill.

As I said before, the report was based on the House bill, which required sufficient revenue from power not only to pay for the dam and reservoir, but to pay for the all-American canal. The Senate bill does not do that. The Senate bill expressly provides that the cost of the all-American canal shall be borne exclusively by the land to be benefited, the same as on any other reclamation project. That is the bill we are considering.

What does the commission give as the cost of building this dam and reservoir? What are their estimates?—

> Dam and reservoir (26,000,000 acre-feet capacity), $70,600,000.
> One million horsepower development, $38,200,000.

Let me call attention to the facts. Let us see what the estimates of the Department of the Interior with regard to that same dam and that same electrical development are—

> Dam and reservoir (26,000,000 acre-feet capacity), $41,500,000.
> One million horsepower development, $31,500,000.

Both the commission and the Secretary of the Interior also made estimates as to the cost of the building of the all-American canal intended to supply water to the Imperial and adjacent valleys in California. The estimates were originally so made because the House bill, and the Department of the Interior originally, made revenues derived from the sale of hydroelectric energy primarily responsible for the amortization of the money invested by the Government, not only in the construction of the dam and reservoir but in the construction of the all-American canal.

This is what I want to call attention to: There was not any question in the minds of the commission that the Department of the Interior was right in its estimate of revenues to be received from power, because there is no question that a reservoir of that capacity and a dam of that size will provide 3,600,000,000 kilowatt-hours of power.

The total cost of the dam—mind you, the total cost—under the plans of the Department of the Interior, and of the all-American canal, and the power development, together with interest on the entire investment, would have been $125,000,000. They hold that that $125,000,000 could be paid back in less than 25 years from the sale of electric power at three-tenths of a cent per kilowatt-hour. There is no question about that being in the minds of the commission. If it is true that that power alone, at three-tenths of a cent, would pay $125,000,000 in 25 years, why will it not pay for the dam and reservoir, under the commission's report, because that is only $120,000,000?

Let me give the compiled figures. Here is the report of the commission on this proposed dam, which I say is stronger, which has greater spillway capacity. This is the estimate of the commission:

> Dam and reservoir (26,000,000 acre-feet capacity), $70,600,000.
> One million horsepower development—

That means the power house—

> $38,200,000.
> Interest during construction of above, $11,682,000.
> Total, $120,482,000.

That is less than the $125,000,000 which the Secretary of the Interior estimated could be reimbursed to the Government in 25 years from the sale of power. Now, let us see what the Department of the Interior said that power would pay in 25 years. This is what they said it would pay:

Estimated gross revenues from sale 3,600,000,000 kilowatt-hours power, at three-tenths cent, $10,800,000.

That is the gross receipts annually from the sale of that power.

Storage and delivery of water for irrigation and domestic purposes, $1,500,000.

That includes, mind you, what they might receive from the lands under the all-American canal. That makes a total of $12,300,000.

Estimated fixed annual charges for—
Operation and maintenance, storage, and power, $700,000.
Operation and maintenance, all-American canal, $500,000.
Interest on $125,000,000, at 4 per cent, $5,000,000.
Total, $6,200,000.
Estimated annual surplus, $6,100,000, sufficient to pay the entire cost in 25 years.
It will be observed that the allowances he makes for operation and maintenance are extremely liberal. The testimony points to costs being more favorable than thus indicated.

Mind you, as the Senate bill now under consideration eliminates the cost of the all-American canal as a burden upon the revenues received from power, therefore we must adjust the estimates as follows:

Annual receipts from the sale of power, $10,800,000.

Estimated fixed annual charges for operation and maintenance, storage, and power, $700,000.

Interest on the above expenditures—that is, the total amount estimated by the commission for the dam and power house—$2,920,000.

In other words, the annual net receipts on the investment, as provided by the commission, will be $7,180,000. That is the net.

The Secretary has held that $6,200,000 would amortize $125,000,000 in 25 years. Consequently it must be obvious that $7,180,000 will amortize $120,000,000, the estimated cost of dam and reservoir proposed by commission, in 25 years. Those are the figures. Those figures are not questioned by the commission at all, except in one particular.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS of Idaho in the chair). Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. PITTMAN. I yield.

Mr. NORRIS. I hope the Senator will pardon me. I was listening with great interest until the Senator had reached the point where he was giving the amortization period from the commission's estimate when I was interrupted, and I did not hear what the Senator said after that. Will he be good enough to repeat that last sentence?

Mr. PITTMAN. I will be very glad to repeat it. The Department of the Interior found that the annual revenues from the power alone would be $10,800,000 a year. That is the gross. That figure is not disputed by the commission, except that they throw doubt on it in the way that I will read later. The computation is not questioned.

Leaving out the all-American canal, either receipts from the land or expenditures, the cost annually for operation and maintenance, storage of water, and so forth, is $700,000 a year. The interest on the amount estimated by the Department of the Interior to build the dam and the reservoir, during the period of construction, would be $2,920,000, giving a total annual cost under the estimates of the Department of the Interior, leaving out the all-American canal, of $3,620,000. That would leave an annual profit of $7,180,000. What would that do, according to the estimates of the Department of the Interior? Leaving the all-American canal in, the Department of the Interior says the annual net profits would be only $6,100,000, but taking out the all-American canal the net profits will be $7,180,000. But the Department of the Interior reported that the annual returns of $6,100,000 would amortize the full loan or advance by the Government, the full $125,000,000 which includes the cost of the all-American canal, in 25 years. If $6,100,000 would amortize the total cost of $125,000,000, as estimated by the Department of the Interior, within 25 years, certainly the larger sum of $7,180,000 would pay off in 25 years $120,000,000 estimated by the commission as the total cost of the dam, reservoir, and power development according to their plans.

How do we get the $120,000,000? We get it by taking the estimated cost of the dam as prepared by the commission, which they say is $70,600,000. We take the cost of the power plant estimated by the commission, which they say will be $38,200,000. We compute interest on that amount at 4 per cent during the period of seven years that the commission say will be required for construction, and we find it amounts to $11,682,000. The total cost is $120,482,000. That is the total cost according to the plan of the commission. Of course, we admit that the estimate is enlarged by the commission for the sake of safety. We admit that they have doubled the spillway capacity as a safety factor. We admit that they have increased the cost enormously. But notwithstanding that, they have not increased the cost of the dam and the reservoir and the power house up to the cost of the total project, including the canal, which the Government expected to pay for from power under the House bill. Consequently, there is no doubt about it.

But let me read something else.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield to the Senator from New Mexico.

Mr. BRATTON. Neither has the commission questioned the capacity of the project to develop the amount of power to which the Senator has just referred nor the cost of operation, so that by mathematical calculation it is definite that the income and operating expense will be just what the department estimated it to be.

Mr. PITTMAN. The Senator is correct except in this way——

Mr. BRATTON. And that by mathematical calculation it is definite that the sum can be amortized within 25 years based upon the figures given by the commission and department.

Mr. OVERMAN. Mr. President, I would like to inquire whether the cost of the transmission lines has been computed and included in the cost of the dam?

Mr. PITTMAN. They have not, because there is no authority in the bill to construct transmission lines.

Mr. OVERMAN. But they have to construct them, do they not?

Mr. PITTMAN. Yes; municipalities, corporations, or others, to get the use of the electricity.

Of course, I want it understood that while the statement which has just been made by the Senator from New Mexico [Mr. BRATTON] and also by myself is true, it is subject to qualifications which the Senate is entitled to have in all fairness. There is no doubt that a reservoir of that capacity, having the fall of water that it will have, because it is the same according to both the commission plan and the Secretary's plan, the only change being in the structure of the dam and spillway, will create 3,600,000,000 kilowatt-hours. It will be the same under both plans. There is no doubt that the cost attached to it, meaning $700,000 for operation and maintenance, and the interest are substantially the same under both plans. There is no question about that. There is no doubt that the net receipts are accurately stated as $7,180,000. There is no doubt that $7,180,000 annually would amortize the $125,000,000 in 25 years. If it would amortize that amount in 25 years, it would amortize the cost of the dam and the power house, according to the reports of the commission, with interest, which is only $120,000,000.

But here is what I want to call attention to in all justice and fairness. The commission said this:

Within a 30 or 40 year period, even with the regulated reservoir, the power output may be reduced five-tenths or six-tenths of the capacity of the proposed plant during a long period.

In other words, during a period of 30 or 40 years there may be cycles of dry years which will reduce the water and the power probably one-half, we will say, during that particular dry period of time. But we will assume, for instance, that half of the time or half of the 50 years during which the amortization is to be taking place, it is such a dry period as they say. What would be the result? We would have five-tenths of its full capacity during, we will say, 25 years, and during the remaining 25 years of the 50-year amortization period we would have ten-tenths capacity. But in that event the figures will demonstrate that it will amortize entirely in 50 years because it would only be twenty-five one-hundredths or three-tenths reduction of the whole, and twenty-five one-hundredths or three-tenths reduction during 50 years would still leave an ample margin for amortization in 50 years.

But that is only a supposition of the commission that there might be dry years, so that even if that occurred the desired object would no doubt be accomplished. There is nothing in the last 20 or 30 years to indicate any such dry period. They go back to that time, however, and state there are evidences of periods of dry years before that time. So it is perfectly evident, I say, from this report, which I wish every Senator would read carefully for himself, that the commission has approved in toto the construction to be made under this legislation as economical, sound, and feasible; that from an engineering standpoint, as

well as from a geological and scientific standpoint, they have found feasible the dam site provided for in the bill; that they have found the elimination of the all-American canal as a burden on the power and transferring it as a burden on the land, as the bill does, is economically feasible. There is no question about it. They may recommend that a certain part of this expenditure shall be made by the Government, as in other flood-control projects, without cost to the project, but to be borne, as under flood-control measures such as on the Mississippi River, by all the taxpayers of the country. That may be a very fine thing to do, it may be a just thing to do, it might be in accordance with the policy of the country, but as far as being necessary to enable the Government to get its money back with interest from the hydroelectric power generated at the dam, as estimated and recommended by the commission, it is not necessary, and that is all there is to it. So we may eliminate that.

I am glad that the commission has reported. I am glad the commission was appointed. I am glad there is some definite authoritative report here. It was a disagreeable thing to stand on the floor of the Senate and hear estimates of $250,000,000 for the dam and power house. As a matter of fact, the commission has not questioned the estimate of the Department of the Interior as to the dam and power house which it proposed. All the commissioners have done is to say, in order that there may be no danger whatever, that they would strengthen the dam a little more than provided by the plan of the Secretary of the Interior; that they would give a larger spillway through tunnels, so there will never be any danger of the water flowing over the top of the dam. They doubled the spillway capacity and strengthened the dam, so there will be only 30 tons pressure to the square foot.

I do not blame them. Safety of life can not be estimated in dollars. The commission has been appointed for the purpose of assuring the Congress of the United States that when the dam is built it will stand substantially forever; that there will be no danger, if it can possibly be eliminated, of it washing out and destroying human life. They have taken all that into consideration and naturally have increased the cost for that work; but that cost only runs to $120,000,000, interest and all, and that is less than the total construction cost under the plan of the Department of the Interior, that had to be paid for out of power, and that power the Department of the Interior estimated would pay for it in 25 years.

But we do not have to consider the cost of the all-American canal, because under the bill it must be exclusively paid for as reclamation projects are paid for, by the lands to be benefited. Now we have come in this proposition to the point where we can pass a bill. There is nothing to consider here now whatever except justice to the seven States involved in the development of the Colorado River. That is all there is now left.

It is the duty of Congress to build the dam. It is a duty that is imposed upon them exclusively by the Constitution of the United States. It is the same duty that caused the Senate and the House of Representatives to appropriate out of the Treasury of the United States an enormous sum of money for flood control on the Mississippi River without a single direct or indirect charge against those living in the flooded area. We have to-day a greater danger in Imperial Valley from flood destruction than we ever have had on the Mississippi River or ever can have on the Mississippi River.

Tremendous destruction of property and life took place on the Mississippi River, but when the flood had receded the water flowed back off the land into the channel. If, however, there is ever a break into Imperial Valley—and all engineers agree that such a break may come during any spring freshet—a great flood will run down into that valley, which is from 200 to 300 feet below sea level and below the bed of the Colorado River. Do Senators realize that heretofore breaks on the Colorado River have occurred below the south rim of the valley, below the rim which separates the valley from the Gulf of California?

Of course, that area is almost flat, but it is below the rim, and when the river broke there, small levees would keep it from backing into the Imperial Valley, but in the last two years, where the reclamation diversion has been made, large willow weirs have been placed in the river to dam up and divert the water into the canals that carry water to irrigate the Imperial Valley. Now, the silt in the river has built up to the top of those weirs and extends for hundreds of miles up the river; in other words, the bottom of that river has been raised by those weirs up to the diversion point of those canals. If there is ever a break in such a neighborhood as that, if there is ever a break on the side of that river toward the Imperial Valley, the water will go down into that valley with a fall of 2½ feet to the 100 feet, and nothing on earth could stop it. Think, for instance, of 380,000 second-feet of water leaving the bed of a stream that is above its banks and flowing down into a valley below sea level where the fall is 2½ feet to the 100 feet. Senators must realize that it would be almost impossible for the people themselves to escape. Of course, there would be nothing saved.

There is a sacred obligation on the Congress of the United States under the Constitution to do this work. We have a report by an independent commission which shows that it is geologically, scientifically, engineeringly, and mechanically sound. If, however, it were not economically sound, if there were not a dollar to come back from this expenditure, it would still be the duty of Congress, as it was the duty of Congress with reference to the Mississippi River, to render the necessary protection. In this case, however, fortunately the power developed at three-tenths of a cent a kilowatt-hour will pay it all back, certainly, in 50 years and probably in 25 years, with the water flowing normally as it has in the last 10 or 15 years.

What is the difficulty? We have only minor questions involved here. There is practically nothing involved except a dispute between the States of Arizona and California with regard to the division of the increased water that will be impounded behind the proposed dam; that is all. An agreement has been entered into between the seven States interested in this river by which half of that water is retained to the four upper States and half of it let down to the three lower States. The four upper States have ratified the agreement. The question is now for Arizona to ratify the agreement. Arizona, as I understand, will ratify the agreement whenever there shall be a provision in the bill or a separate agreement between Nevada and Arizona and California dividing the water let down to the three lower States. Of the 7,500,000 acre-feet of water let down that river they have gotten together within 400,000 acre-feet. They have got to get together, and if they do not get together Congress should bring them together.

Mr. JOHNSON. Mr. President, there are some few things in relation to the distribution of the water of the Colorado River which I desire to place in the RECORD, and concerning which I also desire to take a very few moments in presenting to the Senate. Much has been said by the Senator from Arizona [Mr. HAYDEN] concerning the attitude of Arizona and the attitude of California respecting the division of water, and repeatedly, as I understood the Senator from Arizona, he said that Arizona had been very willing, indeed, to accept what the governors' conference had determined in regard to the distribution of water between the two States. I do not understand that that is at all accurate.

At the conference of the governors and the commissioners of the Colorado River Basin States in Denver, in 1927, in the consideration of the division of water among the lower basin States, there was disagreement. There never was, as I understand, an acceptance by the State of Arizona of the proposition made by the governors.

The governors and commissioners of the upper basin States, Wyoming, Colorado, Utah, and New Mexico, allotted 4,200,000 acre-feet to California, 3,000,000 acre-fee to Arizona, and 300,000 acre-feet to Nevada. The Senator from Arizona again and again has iterated and reiterated that this was accepted by Arizona, but rejected by California. The fact of the matter is that Arizona attached to her acceptance certain conditions which were not approved even by the upper basin States or the governors thereof. On this point, sir, in order that there may be no misunderstanding on the part of the Senate and that the State which I represent in part may not be charged with recalcitrancy, I read the testimony given by Governor Emerson, of Wyoming, and Mr. Francis C. Wilson, commissioner for New Mexico, who participated in the Denver conference, and whose testimony in this regard has never been questioned or disputed by any representative of the State of Arizona.

Governor Emerson testified regarding the matter before the House Committee on Irrigation and Reclamation on January 13, 1928, in answer to questions from Representative DOUGLAS of Arizona as follows:

Mr. DOUGLAS. Is it not a fact that the State of Arizona agreed to terms submitted by the upper basin States with reference to the allocation of water and further agreed that development should proceed on the Colorado River provided there was no power project constructed until the agreement relative to power had been consummated and effected?

Governor EMERSON. You have asked two questions.

Mr. DOUGLAS. That is true.

Governor EMERSON. I will try to answer them in order. Arizona did not agree to the division of water in all details.

Mr. DOUGLAS. It is true that there were certain interpretations of terms upon which there was no committal.

Governor EMERSON. There was one important feature upon which no agreement was reached, and that was in regard to the tributaries of the Colorado River in the State of Arizona. Arizona agreed to accept the specified division of water at Lee Ferry.

That is quoted from page 310 of the printed and bound records of the hearings on House bill 5773.

Before the same committee Commissioner Wilson testified:

A good deal has been said with reference to the fact that California would not agree and said that their minimum was 4,600,000 acre-feet. The mistake that California made, in my estimation, was not to have come there with a trading margin. They came there with an irreducible minimum, prepared to support it as such, but they gave themselves no trading margin. On the other hand, Arizona came there with a cross section of the State. They had their conservatives, their radicals, their independents on their commission, and while we could not see what was going on behind their closed doors, we could imagine, but when it came to a showdown they always came through together some way or other. Now, as to this 3,000,000 acre-feet, they said that they were not satisfied but they would accept it, placing upon it certain conditions. We met those conditions in the main, but the condition which they attached, that their tributaries should be released from the burden of the Mexican allocation which might be arrived at by treaty, that their tributaries should be free from that burden, we could not consent to, because in the compact there is no such distinction; the entire system, divided as I have read it to you, is subject to that burden when the United States reaches the point of determining by treaty with Mexico what Mexico's allotment or allocation should be.

That is quoted from page 292 of the printed and bound record of hearings on House bill 5773.

Commissioner Wilson on January 19, 1928, testified on the same subject before the Senate Committee on Irrigation and Reclamation as follows:

At the Denver conference Arizona accepted the proposals of the governors of the upper basin States on the allocation of water, but attached a condition to the effect that the tributaries of Arizona must be released and relieved from the burden which might be hereafter impressed upon them by virtue of any treaty between the United States of America and the Republic of Mexico.

* * * * * * *

The upper basin governors gave the matter considerable consideration and rejected Arizona's condition in this connection * * *.

That is quoted from page 193 of the printed and bound record of the hearings on Senate bill 728.

The Arizona Colorado River Commission, in reply to the proposal of the upper States, submitted in writing a document entitled "Response of Arizona to Proposal of the Governors of the Upper Division, Colorado River Basin States, Which Was Submitted to the Lower Division States Under Date of August 30, 1927," copy of which is found on page 349 of the printed and bound record of hearings on Senate bill 728.

In such response the Arizona Colorado River Commission, referring to conditions attached to Arizona's acceptance of the proposal submitted by the four upper basin States, including the condition for the exemption of Arizona's tributaries from any charge in meeting Mexican water demands. It is stated in reference to these conditions:

It must clearly be understood that it is only upon condition that they are resolved affirmatively that we will accept the first item of the proposal relating to the allocation of water.

The condition attached by Arizona to its acceptance of the proposal of the four upper basin States as to the division of water was rejected by those States, and therefore Arizona's so-called acceptance neither occurred nor could occur under the circumstances.

Now, Mr. President, just a word or two in respect to water. It is a sad thing to me that in speaking of a division of the water of the Colorado River we speak of division between the States. I think, unfortunately perhaps, in terms of peoples. There is no difference to me between the man who resides at Yuma just across the line between California and Arizona and the man who resides in the State of California just across the line between Arizona and California. They are men, human beings after all, and they are all entitled to some part of the water that may be necessary in order that they may follow that which has been their chosen vocation. These people are the ones that we want to keep in mind, in my opinion, rather than the impersonal entities to which we are constantly referring in discussing the division between the States. It may be unfortunate, too, Mr. President, that there are more people in the State of California utilizing water from the Colorado River than there are in the contiguous territory in the State of Arizona.

It may be unfortunate, also, that the first and the earliest and by far the most extensive developments have been in the State of California, and that these developments in the State of California, particularly in the Imperial Valley, have become a pride not alone to the particular State of which they are a part, but a pride, too, for all the Nation; for down into the Imperial Valley, Mr. President, went a certain hardy class of pioneers originally who typified the highest and the best that there is in American life and American manhood. These men treked down there into the Imperial Valley when it was a barren waste. By their effort, by their work, by their constant striving they have made there of what was a sandy and a desert waste one of the fairest and most fruitful parts of all this world, and these people in the Imperial Valley have but one means of sustenance, namely, water, and water from the Colorado River.

When these gentlemen speak of division of water between the States it seems to me they forget that there are in their State over at Yuma just the same sort of people as those in the State of California in the Imperial Valley; that those men and those women just across the line in Arizona are as much entitled to consideration as those across the line in the State of California. I never forget that fact, nor that those who have come there, who have, indeed, the prior right by virtue of life's effort, are the people that we must protect in a division of water; and it is perfectly useless to say that you will divide water into halves when half of that water can not by any possibility—I speak advisedly—be used within any generation that is now existent or will be three generations hence in the State of Arizona, and when, on the other hand, in the State of California it is necessary for the very life of the pioneers who have gone there and who built up that great territory. It is useless, therefore, to say that you will divide waters in halves. That can not be done. You must divide your waters in accordance with necessities and in accordance with the actually existing rights that have been perfected by these various communities and these different peoples.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. HAYDEN. I am very much interested in the Senator's last statement—that necessity is the basis of the California claim for water.

Mr. JOHNSON. Oh, I do not say anything of the sort. I say that when you divide waters you must divide in accordance with necessities of peoples and their acquired and perfected rights.

Mr. HAYDEN. Does the Senator contend that the acquired and perfected rights that exist in the State of California to-day are perfected to such an extent that they cover the demand made in Denver for 4,600,000 acres of water?

Mr. JOHNSON. Substantially so; and as I proceed I think I will demonstrate that even to my distinguished friend from Arizona.

I recognize, of course, my friend's viewpoint. That is all right. I stand here just as strongly in defense of people in the State of Arizona as I trust I stand here in defense of people in the State of California. I would not deprive those who required it of what might be a necessity for their existence in your State, sir, any more than I would wish you to deprive the people who exist in the State that I represent in part of what is an absolute necessity for them.

You gentlemen from the West are familiar with Western law. You understand, I think, what the mode of appropriation is of water in the West. You realize, of course, that the prior right exists in the individual who has appropriated water to a beneficial use, and that that water having been put to beneficial use by an individual, gives to the individual a title and a right that of course neither equity nor law would under any circumstances take from him.

Mr. KING. Mr. President, will the Senator yield?

Mr. JOHNSON. Yes.

Mr. KING. The Senator is making an interesting and a very eloquent address.

Mr. JOHNSON. Do not say "eloquent," please.

Mr. KING. It is eloquent, because it is descriptive of the pioneers of Imperial Valley, their rugged character, and their achievements. Those things lend themselves to eloquent persons, even though their tongues might, upon other subjects, be rather silent.

Mr. JOHNSON. I wish I had the facility of expression of the Senator from Utah. Then I should indulge, possibly, in some eloquence; but now in only matter-of-fact fashion do I endeavor to present this situation.

Mr. KING. Waiving the compliments of the Senator—and I am sure they are sincere, as mine were in his behalf—may I

say to the Senator that there is no disposition upon the part of those representing the States in what has been denominated the upper basin to interfere with the rights of the people in Imperial Valley.

Mr. JOHNSON. I am sure of that.

Mr. KING. I sympathize with them in the vicissitudes through which they have passed and appreciate the flood menace to which they are subjected. However, it is a fact which I think the Senator recognizes that the Imperial Valley under the appropriation which has been made and the conditions under which such appropriation is exercised can not achieve the standard of development which is desired and which is possible. Indeed, some of the lands which have been heretofore irrigated find during some years an inadequate water supply. So Imperial Valley, if left to her own devices, could not further materially develop and could not irrigate all the lands which have been irrigated. Therefore the inhabitants of the valley are interested in securing more water—water which has not been appropriated and which can be used in Imperial Valley, unless reservoirs are built either at Boulder Canyon or Glenns Ferry or some other place on the Colorado River.

I rose, however, merely to emphasize the fact that there is no disposition upon the part of the upper States to interfere with the rights of the pioneers of Imperial Valley.

Mr. JOHNSON. I am very certain of that.

Mr. KING. But let me say to my dear friend, he is familiar with the fact that because of rather tragic conditions in our agricultural life we have been unable in Colorado, Utah, New Mexico, and Wyoming to develop lands which are as valuable intrinsically and inherently as the lands in Imperial Valley. We see the water which comes from the springs and from the melting snows in our States carried down the river into Mexico and into the Imperial Valley. The upper-basin States are not in a position to develop agriculturally as rapidly as is California and to improve and irrigate the great areas which will in time become the homes of thousands. If the Senator represented the fine people of the upper States—and we have pioneers there, too—he would look with deep anxiety upon the appropriations now being attempted by the lower States and he would regard them as a menace to such States. If we do not do something to protect our States, California, because of her superior advantages, because of her situation upon the lower stretches of the river, may appropriate or claim to have appropriated substantially all the waters of the river not heretofore appropriated as a result of which the future development of the upper States would be arrested.

We must in all fairness, it seems to me, visualize the situation not alone of California but of all other States embraced within the Colorado River Basin and approach this question in a fair, dispassionate, and just manner, protecting not only the rights of the people of Arizona and California, but recognizing the rights of the people of Utah, Wyoming, Colorado, and New Mexico. The upper States must have a part of the Colorado River waters.

They supply us 80 per cent of the entire flow. We do not want the water of the river and they are entitled to their "place in the sun" and to the chance to make future appropriations of the river flow. California must not strip them bare. Within a few years, when the upper States are ready to irrigate new lands, when economic conditions have changed and agricultural development is warranted, the upper States must be permitted to take from the river a portion of the flow and must be protected in the right to use such portion, regardless of the time of appropriation. They must be so protected that they will not be met at the threshold with the claim that all the water has been seized and used by the lower basin; that the water which flows through our States we may not touch, nor may we divert a single acre-foot for the development of our arid domain.

I know that my good friend, in a spirit of justice, must recognize that we have rights in the upper States which should be respected and protected. We should approach the consideration of this problem in a spirit of justice and with absolutely no desire to advantage one State at the expense of others.

Mr. JOHNSON. Mr. President, I quite agree with what has been said by the Senator from Utah. I insist that the upper basin States shall be protected, and protected to the full. Not only that, sir, but this measure has been written around the Colorado River compact; and for the benefit of those who may not be familiar with the subject, let me say what has been said again and again, that when the commissioners met some years ago in relation to the waters of the Colorado River they divided the States into two distinct entities—the entity that they called the upper-basin States, consisting of Wyoming, Colorado, Utah, and New Mexico, and the entity they called the lower-basin States, consisting of Nevada, Arizona, and California.

When they made their division of water at Lees Ferry, I believe, that division of water was made not as among seven States that were a part of the Colorado River Basin, nor were allotments given to individual States at all; but the division was made as between these four States constituting the upper basin and the three States constituting the lower basin; and when this bill was written it was submitted to many of those of the upper-basin States in the desire and with the design and the purpose to protect the upper-basin States—one of which is so ably represented by the Senator who has just spoken—to the full in every right that they have, and in every division and every decree that had been made by the commissioners concerning the Colorado River. In my opinion—it may not be shared entirely by others—in my opinion, and in the opinion of the legal minds that have subjected the bill to the test, this bill, written around the Colorado River pact as it is, protects to the full, and in the amplest fashion, every State in the upper basin.

What I was endeavoring to do, however, was not to descant upon the merits of one State or the merits of the other, but to show, in response to what has been said by the Senator from Arizona yesterday, why his suggestion of a division was not a reasonable one nor a just one as between Arizona and California, so far as California was concerned. Let me at the beginning and at the end of it say, protect your upper-basin States just as everybody wishes to do who is connected with this measure. Protect them fully. Give to Arizona all the water that it is within the realm of possibility that Arizona may use; but do not take from the State of California, which is practically using it to-day, and which within a brief period will put infinitely more water to use, the rights that are hers, through an unjust or an unfair division of that water.

There is actually being used in California to-day, by actual measurement, 2,159,100 acre-feet of water per year. The Imperial Valley appropriation was made in 1898 and at that time was made for 10,000 cubic feet per second "for the purpose of developing power and irrigation of lands in San Diego County, Calif., and in Lower California, Republic of Mexico."

At that time what is now Imperial Valley was San Diego County. Senators will recall that. Under this appropriation canals were constructed and are now in use for 515,000 acres in California, to which will be added 193,000 acres of known feasibility, requiring a use of 3,115,200 acre-feet per year upon a water duty of 4.4 acre-feet per acre.

The water was appropriated for the Yuma project in 1906. I have spoken before only of Imperial Valley. Sixty-four thousand five hundred acre-feet per year is now being used on the Yuma project in California.

Senators will bear in mind, please, that the Yuma project embraced a part of Arizona as well as a part of California.

Mr. FLETCHER. Mr. President, may I interrupt the Senator so as to get him to enlighten us on that subject?

Mr. JOHNSON. Yes.

Mr. FLETCHER. The Senator alludes to the canals built in the Imperial Valley. Were those canals built by the Federal Government?

Mr. JOHNSON. Oh, no. The largest irrigation district that there is in the world is the Imperial irrigation district, and the Federal Government has built none of the canals. They have all been paid for, and the district is bonded; I can not from memory state the sum, but for a very large sum of money.

Mr. SMOOT. Seventeen million dollars.

Mr. JOHNSON. Let me put one point, by way of illustration, that will indicate their hazardous position there. That is the only place in America that I know of where the farmer, with fruits and production beyond those of any other place on earth, can not borrow a dollar from a Federal farm loan bank because of the jeopardy in which he exists and the fear of flood that is ever impending. Not a penny can he get. He is in a position more hazardous and more difficult than his brethren in any other part of the country. The testimony is here if anybody queries my statement in that regard.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. JOHNSON. Yes.

Mr. KING. The Senator refers to additional lands in Imperial Valley, nearly 200,000 acres. I wanted to inquire whether those were entirely public lands, or whether some of them were in private ownership.

Mr. JOHNSON. If I answer the Senator offhand, I should say both; but I do not wish to have him take my answer as absolute, because I am not entirely clear. The information I will obtain for him.

Mr. KING. May I ask one further question?

Mr. JOHNSON. Certainly.

Mr. KING. Do the data which the Senator now has before him indicate the extent of the public lands that may be irrigated in the Imperial Valley?

Mr. JOHNSON. I think so.

Mr. KING. I have heard the statement made, and some of the data I have indicate that there are three or four hundred acres yet of lands which may be irrigated, and other information which I have limits it to 150,000 acres.

Mr. JOHNSON. I have divided them into two classes, and when I stated 193,000 acres a moment ago as that which might be added, I stated that that was 193,000 acres of known feasibility.

Mr. KING. Yes.

Mr. JOHNSON. There is another class of lands of doubtful feasibility.

I have just stated the needs of the Imperial Valley. I stated the needs of the Yuma project, situated in the State of California.

The Palo Verde Valley appropriation was made by Colonel Blythe away back in 1859. Much of that area has already been irrigated, and that for which the water was appropriated, and of known feasibility, under the canal system, amounts to 234,000 acre-feet per year.

The city of Los Angeles, on behalf of itself and other cities, made its appropriation of 1,095,000 acre-feet per year in 1924. We may eliminate, if you wish, whether or not ultimately against the Government or anybody else there could be a legal enforcement. There exists the claim that is made. There has been done everything that is required by the law to be done, and upon this the city of Los Angeles has expended up to to-day more than $1,000,000.

Do not think that this is any light project that is undertaken by the coastal cities of southern California for domestic water for that territory. It is estimated—and unquestionably it will be true—that to take this water at Blythe out of the Colorado River, as is contemplated by these coastal cities of southern California, will require, in the construction of the aqueduct there and in the pump lift of some 1,200 feet over the hill, an expenditure by the city of Los Angeles of something over $150,000,000.

When gentlemen talk about what California gets from this scheme at Boulder Dam sometimes I have little patience, for after all, sir, it is this territory that pays through the nose for everything that it gets out of Boulder Dam or the dam that shall be built at Black Canyon.

The city of Los Angeles has made its filings; it has expended its millions now in the endeavor to make its way over the hill and prepare for the water to be given to the coastal cities of southern California in conjunction with Los Angeles.

The other day at the election there was presented to the people of southern California—to all of the municipalities there—the question of whether they would join in a great municipal water district. I think that with the exception of one city every city there voted to join that metropolitan district. The need for domestic water in that territory is such that it must be accorded in some fashion, if it be possible to do it, and must be accorded within a very, very limited time. I break no confidence, I am sure, when I say that unless there be some place from which southern California coastal cities may obtain domestic water their progress, within a reasonable period, will be halted, and their prosperity for a time will be stayed.

Mr. Roosevelt said once that the highest purpose to which water could be put was for domestic use. All of us realize that fact, and all of us understand that when any man, any community, any city, or any State craves from the National Government that which must be had to sustain life—domestic water—the National Government has ever been ready to respond and anxious to do its part.

All this water can be obtained from just one place for these cities in southern California—just one place—the Colorado River. It can be obtained in just one way—by a high dam and great storage capacity at the Black Canyon. Who shall deny it? Who shall say, under these circumstances, where two and a half million people hold out in supplication to this Congress merely the prayer that they may give that which is accorded ever to those who seek it—who shall say that this water, in order that some State or locality may make a little more money, shall go rolling in waste to the sea?

I am certain that our friends here who represent the various States will be very glad, indeed, to unite in the necessities that exist in these coastal cities, in order that they may have their fair share of the potable water that may be accorded them through a high dam and by large storage, without harm to any people or to any State or to any locality.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. HAYDEN. Everyone will agree with the senior Senator from California that domestic use is the highest use of water, and that if that water is needed by the municipalities of southern California, of course they should have it. But if there is not water enough to go around, if there is not water enough to irrigate all the land that can be irrigated in California and in Arizona, and it is necessary that certain areas of desert land be designated to remain forever as desert land, and not developed, our contention is that, in that event, the burden of leaving undeveloped the desert in order that the cities may have the water should fall equally upon California and upon Arizona. As I understood the figures presented to the Senate by the Senator from California, he laid claim to water now appropriated for use for the irrigation of additional areas of land now desert, and water for domestic purposes.

Mr. JOHNSON. I am going to take up the needs of Arizona in a moment as best I can.

Mr. HAYDEN. I want to inquire of the Senator whether he believes it is fair to impose the entire burden of supplying domestic water to the city of Los Angeles upon the State of Arizona by forever dedicating to the desert areas of land that can be irrigated?

Mr. JOHNSON. I answer with the utmost frankness; by no means, and I would not do the State of Arizona, were I cognizant of the fact, a particle of injustice in relation to the division of water, or in any other thing, so far as that is concerned. I would be delighted to unite in anything that means well for the State of Arizona, and in this instance I am insisting that the State of Arizona neither needs nor requires nor can use the water that it says it desires, and that that water already is under appropriation by various individuals and organizations in the State of California.

The appropriations to which I have adverted are in good standing, and the water requirement indicated is the minimum requirement for lands of known feasibility. They equal a total of 4,508,700 acre-feet per year for use in California. These appropriations are ahead of nearly all of the appropriations on the river, and there is no doubt about their validity and standing.

Under Senate Document 142, Sixty-seventh Congress, second session, under the all-American canal, within the area for which the Imperial appropriation was made, may be added 97,000 acres of what is classed as "doubtful feasibility" land. This doubtful land consists of land that is rough, either cut up by washes, or covered by hummocks. Those of us who have watched developments in Imperial Valley know that some of our finest land there was the last to be reclaimed, on account of the difficulty of leveling the same. We, therefore, have every confidence that much, if not all, of this doubtful land will be reclaimed. It is all under the Imperial Valley appropriation, and would add 416,800 acre-feet per year to the Imperial Valley rights or requirements.

It will be borne in mind, please, that we have been speaking only of lands for which appropriations have long since been made, with the appropriation for domestic use.

I presume that Senators who are not familiar with western law will understand that when an appropriation like 1896 is made from the Colorado River by a particular organization, district, individual, or the like, for the irrigation of a certain territory, if that water is put to beneficial use with reasonable diligence the amount may continue to be withdrawn for the irrigation or the use of all the land that has been included in the original filing. Thus it occurs that a filing like that of the Imperial Valley made in 1896, covering a certain prescribed territory used constantly and yearly and continuously for beneficial purposes in that territory, may continue to increase the amount of water to which legally Imperial Valley may be entitled and the increased use will constitute a perfected right.

Mr. HAYDEN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Arizona?

Mr. JOHNSON. I yield.

Mr. HAYDEN. Can the Senator tell me how many acres are now being irrigated in Imperial Valley?

Mr. JOHNSON. Approximately 400,000.

Mr. HAYDEN. The district comprises a larger area?

Mr. JOHNSON. Very much larger.

Mr. HAYDEN. I understood the Senator to say 476,000 acres.

Mr. JOHNSON. The Senator may be right. Under the appropriation the canals constructed and now in use provide for about 515,000 acres.

Mr. HAYDEN. The reason why less than the total area under the canal is irrigated is, as I understand it, because with

the present unregulated flow of the river there is not water enough to irrigate those lands.

Mr. JOHNSON. That is true in large measure.

Mr. HAYDEN. So that it could not be reasonably expected that there would be any material increase in the area of land irrigated within the present limits of the Imperial irrigation district unless Boulder Canyon Dam were built.

Mr. JOHNSON. To a large extent that is true.

Mr. HAYDEN. So that whatever these water rights may be, although they may date back to 1896, there is no way in which the water to supply those lands can be obtained except by the construction of Boulder Canyon Dam.

Mr. JOHNSON. Adequate water, I will say. I think that is quite so. There are constant accretions and constantly new land, as the Senator knows, is being put under irrigation, but to take a large area I think we would need the storage capacity in order to accomplish the desired results.

Mr. HAYDEN. Warning in that respect has come to the farmers of Imperial Valley on more than one occasion, because they have suffered a shortage of water and have lost large sums in perishable crops.

Mr. JOHNSON. Quite so. In one year there was a drought, which, I think, caused a loss of $5,000,000.

Mr. HAYDEN. I am merely bringing out the fact to illustrate that however far back this water right may date—and it may go back to 1896, indeed—it is not a perfected water right in the sense that it supplies all the water necessary for the irrigation of the land in the Imperial Valley and that something must be done to perfect it, to wit, secure appropriations from Congress, build a dam and impound the water. It is the contention of the people of Arizona that under those circumstances it shall not be urged that the maximum amount applied for in 1896, which can not be obtained from the river's natural state, is the limit of California's water right.

Mr. JOHNSON. That is a very natural contention, too. I am not going to quarrel with the Senator about his contention in that regard. In fact, I would rather not quarrel with him at all. But the difficulty is that I think he makes it necessary. He thinks I make it necessary, and so there we are.

It will be borne in mind that we have been discussing only the lands for which appropriations have long since been made, together with the appropriation for domestic use. This, by no means, comprises the land susceptible of irrigation in California. To those amounts will be added all of the lands in the Coachilla Valley, of which 72,000 acres will be irrigated on the all-American canal by gravity, 18,000 acres in the Palo Verde Mesa, 44,000 acres in the Chucawala, besides many thousand acres in scattering tracts.

Mr. SHEPPARD. Mr. President, will the Senator tell us, if he can, how much land in Mexico is irrigated by water from the Colorado River?

Mr. JOHNSON. My information is that it is a little over 200,000 acres.

Mr. SHEPPARD. At present?

Mr. JOHNSON. Yes; and they are feverishly using water down there in order to get such rights as they think they may obtain.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. JOHNSON. Certainly.

Mr. BRATTON. Will the Senator tell us how rapidly the irrigated area in Mexico is being increased?

Mr. JOHNSON. Infinitely more rapidly than the irrigated area in the United States, but I have the tables, and I will submit them later, showing by years just how much has been the increase in our country and how much in Mexico; but it is proceeding more rapidly in Mexico.

Mr. BRATTON. I think the Senator from California and I are in accord that this is one of the dangers confronting all of us in the Colorado River Basin. It is one of the urgent reasons why we should put forward serious efforts to solve the problem now.

Mr. JOHNSON. The Senator is entirely right. It is a terrible situation that confronts us. It is an intolerable situation that confronts us. To solve that situation we have provided in the bill for the all-American canal. The unfortunate part of it is that in yielding to the insistence of my brethren upon the committee we have made that canal payable out of the lands that shall be benefited by it, which are already overcharged and overburdened. The landowners think they can do it; but, of course, before they can undertake it it has to be submitted at an election and they have to agree to undertake that additional expense. The all-American canal, it is hoped and believed, will solve this intolerable Mexican situation and enable us to control the waters of the Colorado for the United States without, indeed, doing injustice to Mexico.

Mr. BRATTON. May I say that the seven States as among themselves have different problems. We in the upper basin have a common interest in preserving the title to the water allocated to us under the Colorado River compact. The States in the lower basin have a common interest in using beneficially the water that is allocated to them under the compact. But we all have a common interest in protecting and preserving for the United States a heritage which belongs to us not to permit, through acquiescence and inactivity, another people to acquire a prior right to that which naturally belongs to us. In that regard we are all commonly situated and should unite our efforts. To me that is one of the grave dangers lurking in the whole problem which should concern all of us.

Mr. JOHNSON. I quite agree with the Senator. One of the unfortunate things that we did in the committee, concerning which I do not complain and by which I stand, was to charge this all-American canal to the reclaimed lands and therefore make much more difficult its construction than if the United States Government, dealing with an international situation and an intolerable one, had taken hold of it and built it itself.

Mr. BRATTON. Personally I have no criticism to make of those people south of the international border if they go forward and outstrip us and acquire prior equitable rights to the water. If we permit them to continue doing so we should criticize ourselves. To me it is one feature of the situation that should be persuasive to all of us in the basin to compose our differences and legislate upon the question in our common interest and defense as early as possible.

Mr. JOHNSON. I quite agree with the Senator.

Mr. SHEPPARD. Mr. President, may I ask the Senator another question?

Mr. JOHNSON. Certainly.

Mr. SHEPPARD. Will the tables which the Senator will place in the RECORD show how much land can possibly be irrigated in Mexico from the Colorado River?

Mr. JOHNSON. The tables do not show it. My recollection is that the testimony given before our committee was that there were over 400,000 acres of land immediately contiguous to the Imperial Valley susceptible at once of reclamation. I ask the senior Senator from Arizona if that is not what was testified?

Mr. ASHURST. Mr. President, I think the Senator is substantially correct in his statement that that was testified before the committee.

Mr. SHEPPARD. That is, in Mexico?

Mr. JOHNSON. Yes. In 1926 the total irrigated acreage in Mexico was 217,000 acres.

The peculiar situation that confronts us, of course, in Imperial Valley is so well known that I do not wish to take time in detailing it again; but it is a situation that cries to high heaven for relief just exactly as the Senator from New Mexico has said. What a horrid thing it is that our people in Arizona, our people in California, and the people in territory adjacent to both, who are seeking to do the best that can be done in life and to follow that which has been their vocation during all the time that they have been upon this earth, are placed in such a position. What a shame it is that there are others who go over the American line and buy tracts equaling 850,000 acres of land and while appropriating water which is the water of an American river flowing through the United States of America seek to impede or defeat legislation of this character. We seek by the all-American canal to remedy that situation and to make a canal that will be all in the United States and control the water that hereafter shall go to Mexico.

In saying this I do not want to be misunderstood, and I do not want to be put in the position of denying that which any Mexican landowner may be entitled to by virtue of law, even by virtue of morals. But I do say that such a bill as this presents a policy we all ought to uphold, and that we ought to end forthwith the policy of permitting American water to go over onto Mexican soil, so that whenever there is an acre irrigated there there is an acre of land denied that irrigation in the United States of America. It is, from the American standpoint, a situation with which we ought not to dally or delay and which we should be swift to remedy.

In the case of Winters *v.* United States (207 U. S. 564) it appears that an appropriation for the use of Indian lands is unnecessary, and that the United States will take the water where it finds it for the purpose of serving those Indian lands. There are about 15,000 acres of such land in California, which would add about 66,000 acre-feet to the water rights. In other words, California has a vested water right which can not be taken away to the amount of 5,091,500 acre-feet per year. This includes the Indian land and the so-called doubtful land, but

does not include many thousands of acres of irrigable land for which no appropriation has so far been made.

Mr. ASHURST. Mr. President, from what is the Senator from California reading?

Mr. JOHNSON. I am reading from notes of my own.

Mr. ASHURST. I beg the Senator's pardon.

Mr. JOHNSON. When I say "notes of my own," I might qualify that by saying notes of my own that have been thoroughly checked by certain gentlemen who are familiar with the situation.

This amount of 5,091,500 acre-feet per year is for actual use based upon water duty of 4.4 acre-feet per year as found by the Bureau of Reclamation to be necessary and set out in Senate Document 142. This does not include any waste. In a recent study by the Geological Survey of Salton Sea and its relation to use of water in Imperial Valley they found that 1.5 acre-feet per year is a reasonable amount of waste for ordinary maintenance purposes. This is approximately the amount that has heretofore been wasted. If that is a reasonable waste, then Imperial Valley appropriation would include 918,000 acre-feet per year for that purpose, or making a total aggregate now appropriated and with rights fully established to 6,009,500 acre-feet per year.

On the Arizona side we find approximately 135,500 acres of Indian land, a considerable portion of which is irrigable. The exact amount we do not know, so for the sake of fairness we class it all as irrigable. The only other appropriation is the Yuma, made in 1906, total area of 120,000 acres. While much of that will never be irrigated, for sake of fairness we will class that as irrigable land. With these assumptions, we find vested rights in Arizona to the amount of 922,500 acre-feet per year.

When California offered to make a compact on a basis of 4,600,000 acre-feet per year plus one-half of the surplus excess and allocated water, it was well recognized that California would be perhaps one and one-half million acre-feet short of its requirements unless a large amount of the surplus water should be available. In other words, California was willing to take a chance on obtaining surplus water and on the further chance that Arizona would not use the water allocated to her. She would, indeed, be surrendering established rights and substituting therefor simply a chance to obtain water.

In making the studies at Denver for the purpose of ascertaining the requirements in Arizona and California domestic water for the coastal cities was not considered at all. These studies were placed only upon irrigation requirements.

On a basis of supplying water to the two States by gravity, plus a pump lift of 50 feet, it was found that California had 944,300 acres and Arizona had 334,300 acres or of the total in both States, California has 73.8 per cent of the land and Arizona has 26.2 per cent of the land.

On a basis of supplying the lands in the two States by gravity, plus a pump lift up to and including 150 feet, it was found that California has 1,171,650 acres and Arizona has 463,000 acres, or of the total lands in the two States under a 150 foot pump lift, California has 71.7 per cent and Arizona has 28.3 per cent.

At Denver, California made the lowest offer she could make. Arizona made an offer of dividing the main stream equally between the two States and the upper basin governors, in effect, split the difference. There was no reason given for the figures used by the governors. If the water were divided on an economic basis, then California should have about three-fourths of the water of the main stream and Arizona about one-fourth. In other words, on an equitable basis of supplying the lands, California should have 71.7 per cent of water, but the proposal of the upper basin is to give California 58 per cent of the water.

There is another very interesting thing in that regard that must be taken into consideration, and that is the question in regard to tributaries. Far be it from me to advocate taking from them any water that Arizona might wish to use, but the tributaries of the Colorado River are in reality a part of the main stream, and in every computation that Arizona has made concerning her water demands from the Colorado River the tributaries she omits. When Arizona says, "Let us divide the water of the main stream that is remaining," when she has but a small acreage that really could be subjected to irrigation under that main stream, while half of the water would not be sufficient to irrigate the land actually under irrigation in California, it may sound like a fair proposition, because it would look as if Arizona might be accorded as much water under the circumstances as California.

Mr. HAYDEN. If I may interrupt the Senator, do I understand him to say that half of the water in the main stream would not be sufficient to irrigate the lands actually under irrigation in California?

Mr. JOHNSON. It would not be sufficient to supply the rights that now exist.

In the discussions relating to the use of water in California, in Denver, and, indeed, here and elsewhere, it is only the main stream, Senators will recall, that has been discussed. The tributaries of the Colorado River in Arizona have a flow of at least 3,500,000 acre-feet. Arizona has claimed in writing on some occasions that it amounts to as much as 6,000,000 acre-feet. So when it is proposed that California take 4,200,000 acre-feet and Arizona 3,000,000 acre-feet, plus one-half in each instance of the surplus water, it means in reality that California shall be accorded 4,200,000 acre-feet, plus one-half of the surplus water, and that at least 6,500,000 acre-feet, plus one-half of the surplus water, shall go to Arizona.

Mr. HAYDEN. Mr. President, will the Senator yield to me for a moment?

Mr. JOHNSON. I yield.

Mr. HAYDEN. Does the Senator contend that the State of California now possesses the right to use any of the water of the tributaries of the Colorado in the State of Arizona?

Mr. JOHNSON. As to the Gila, which is one of the main tributaries, I think there may be a very grave question, but I am speaking now of the waters of the Colorado. You may make the argument, if you please, that the tributaries which are all in Arizona belong to Arizona, and that may be a legitimate argument, though not entirely sound, but when you begin to think of the waters of the Colorado and take into consideration all of the waters of the Colorado you must consider the tributaries as well as the main stream, and that is exactly what I am doing.

Arizona endeavors to make it appear that she has been abundantly fair in dividing the waters of the river, but considering the figures of the division in the manner that I have just indicated it is anything but fair, and when you consider as well the perfected rights and the actual lands irrigated in the State of California as compared with those in Arizona it is less than equitable in any aspect.

Now, as a matter of fact, the Imperial Valley's diversion is below the Gila, and the Imperial Valley's appropriation covers the Gila water very likely, and is very likely senior to Arizona uses. To divide the main stream, 4,600,000 acre-feet to California and 2,600,000 acre-feet to Arizona, still gives Arizona more than 60 per cent of the water from the Colorado River or nearly two-thirds thereof.

So much for that, sir. On the question of water I have before me the studies of the State engineer of the State of Nevada. I do not wish to indulge in the reading of the tables concerning the lands that are now under irrigation and those which are susceptible of irrigation, but I do wish to put them in the RECORD, because they demonstrate conclusively, I think, that the water for which Arizona now asks, if accorded her, can not be used by Arizona at all. These figures are made not by a Californian; they have come to me only incidentally; they are made by a disinterested individual, the State engineer of the State of Nevada, Mr. George W. Malone. I ask permission, without reading, to put in the RECORD three of the tables that are here before me in respect of water.

Mr. HAYDEN. Mr. President, has the Senator had an opportunity to examine the study of the same situation made by the State engineer of the State of Utah?

Mr. JOHNSON. I have not; I am not familiar with it.

Mr. ODDIE. Mr. President——

Mr. JOHNSON. Mr. President, have I been given permission to put the tables to which I have referred in the RECORD?

The PRESIDING OFFICER. Without objection, permission is granted.

The tables referred to are as follows:

TABLE 10.—*Most feasible projects in California and Arizona*

[Net for United States irrigation use required for projects under way and projects not under way but of most feasible character]

Project	Arizona	Area		Water	
		California	Arizona	California	Total
Bullshead	500		1,500		1,500
Hardyville	2,300		6,900		6,900
Mohave Valley	24,000		72,000		72,000
Parker Valley [1]	110,000		330,000		330,000
Palo Verde		79,000		237,000	237,000
Yuma	93,000	15,000	396,000	63,750	459,750
Imperial Valley [2]		685,000		3,014,000	3,014,000
Coachella Valley [3]		72,000		306,000	306,000
Total	229,800	851,000	806,400	3,620,750	4,427,150

[1] Indian project.
[2] All-American, with Coachella Valley pumping area and West Side Mesa omitted.
[3] Coachella Valley, 72,000 acres, includes only gravity loads according to later surveys information furnished by Imperial Irrigation District.

NOTE.—Nevada's gravity lands, 11,000 acres—46,750 acre-feet.

TABLE 15.—*Colorado River projects below Boulder Canyon Reservoir*

Project and tract	Average pumping lift	Irrigation area	Acre-feet acreage	Total acre-feet	Arizona		California	
					Irrigation area	Consumptive use	Irrigation area	Consumptive use
	Feet							
Bullshead to Mohave Valley	80	9,000	3	27,000	9,000	27,000		
Mohave Valley	None.	25,000	3	75,000	24,000	72,000	1,000	3,000
Parker Reservation	None.	104,000	3	312,000	104,000	312,000		
Parker-Gila Valley project:								
Parker Valley	None.	12,000	3	36,000	12,000	36,000		
Blythe area	None.	50,000	3	150,000			50,000	150,000
Palo Verde Mesa	None.	12,000	3	36,000			12,000	36,000
Do	90	43,000	3	129,000			43,000	129,000
Chucawalla Valley	90	136,000	4.35	592,000			136,000	592,000
Gila Valley	235	632,000	3	1,896,000	632,000	1,896,000		
Palo Verde Valley	None.	79,000	3	237,000			79,000	237,000
Cibola Valley	None.	16,000	3	48,000	16,000	48,000		
Miscellaneous tracts	25	3,000	3	9,000	2,000	6,000	1,000	3,000
Yuma project (Valley)	None.	64,000	3	192,000	48,000	144,000	16,000	48,000
Yuma project (Mesa)	72	44,000	3	132,000	44,000	132,000		
Imperial irrigation district [1]	None.	515,000	4.35	2,240,000			515,000	2,240,000
All-American canal	None.	211,000	4.35	918,000			211,000	918,000
Do	80	59,000	4.35	257,000			59,000	257,000
City of Los Angeles				1,000,000				1,000,000
Total		2,014,000		8,286,000	891,000	2,673,000	1,123,000	5,613,000

[1] According to later surveys, by Imperial Valley, additional California lands: West side, 10,000 acres; West Mesa, 23,000 acres.

NOTE.—Nevada lands available for irrigation:

	Acres	Acre-feet
Gravity	11,000	46,750
Pump	69,000	293,250
Total	80,000	340,000

TABLE 16.—*Most feasible acreage*

State	Acres	Acre-feet
California	851,000	[illegible], 620, 750
Arizona	229,800	806,400
Nevada	15,000	63,730
Total	1,095,800	4,490,880

TABLE 17.—*Total irrigable acreage*

State	Acres	Acre-feet
California	1,123,000	[1] 5,613,000
Arizona	891,000	2,673,000
Nevada	80,000	340,000
Total	2,094,000	8,626,000

Includes 1,000,000 acre-feet domestic water.

Mr. ODDIE. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield to the Senator from Nevada.

Mr. ODDIE. I should like to call the attention of the Senator from California to the fact that on May 29 of last year I put some very valuable data prepared by Mr. George W. Malone in the RECORD. I will add that he is chairman of the Association of State Engineers in the Western States and is a particularly able man. Before this discussion shall have ended I expect to put some more data of his in the RECORD which have recently been gotten together and which I consider will be particularly helpful in the consideration of the pending legislation.

Mr. BRATTON. Mr. President, will the Senator from California yield to me for a question?

Mr. JOHNSON. Certainly.

Mr. BRATTON. Does the engineer of the State of Nevada give the acreage under actual irrigation in the upper basin States and the acreage susceptible of irrigation in those States?

Mr. JOHNSON. No; the comparison is between Arizona and California.

Mr. BRATTON. Entirely?

Mr. JOHNSON. Yes; the upper basin States are not touched at all.

Mr. President, there is only one other thing to which I wish to devote a moment or two. Yesterday some question was raised concerning the amendment which was inserted in the Senate bill by which an option was given to the Government of the United States, in case the Government deemed it essential, to erect a generating plant at Boulder Dam. I stated the genesis of that amendment then, and I stated it accurately. I have somewhere before me here—and I shall obtain it in order that it may be read—various communications in regard to that amendment which passed between the Committee on Irrigation and Reclamation and the Secretary of the Interior.

It was the Secretary of the Interior, I insist again—and I can not iterate and reiterate it too often—under the present administration that inserted in this bill the provision regarding the right of the United States Government to build a generating plant at Boulder Dam. When, sir, a certain part of the press of this land assailed this bill, when certain aggregations of wealth in the city of Washington are attacking it in every conceivable fashion, and when there are others who, representing interests outside of this Chamber, endeavor to put upon those who sponsor this bill what they deem the stigma of Government ownership, I beg you, sir, and I beg the Members of this body to remember that the man who put in this bill the amendment by which the Government was accorded the right to build a generating plant at Boulder Dam was the Secretary of the Interior under the President of the United States, and that this bill with this amendment represents the attitude of the present administration of the Government of the United States in that regard.

To me, sir, it is a compliment rather than the reverse for some one to assail me for a desire to give unto people who require it one of the necessities of life, or even one of the comforts of life, by virtue of governmental activity. But in this instance, sir, even though I gladly plead guilty to the fault, the fault is not mine. The fault, sir, is that of the present Republican administration of the United States of America; and it is upon this bill, sir—this bill, with this option to the Government of the United States to erect this generating plant—it is this bill, sir, which is approved by the present President of the United States and the gentleman who has been elected by the people of this country to be the next President of the United States.

So, sir, when I am assailed, or those who stand with me are assailed, because it is insisted that we enter a realm that is forbidden by a great power trust, let me recall to you, sir, that we do not enter this realm ourselves of our own volition. We but follow Mr. Calvin Coolidge, the President of the United States, and Mr. Herbert Hoover, who has just been elected President of the United States; and when any gentlemen in this Chamber, as some of them do—absent now, perhaps—assail the activities in this respect that are ours, they are assailing not the authors of this bill nor its sponsors, not the gentlemen who are a part of it over on the other side of this Chamber; they are assailing the present administration of the Government of this country, and the administration that will assume its government on the 4th day of March next. Keep that in mind,

please; keep it in mind in the days to come, because the Government itself insisted that we insert this optional clause in this bill, and at the Government's instance it was so done.

Secretary Work, in writing to the Senator from Oregon [Mr. McNARY], the chairman of this committee, so distinctly demanded, and in writing to the chairman of the committee in the House likewise so demanded; and the bill which before that time, sir, had no such optional clause was amended to meet the requirements of the present administration concerning that very matter.

Now, of course, yesterday and day before, with an innocent expression that did him infinite credit, and that made us all wish to put around him the protecting arm of this great body, our friend from Arizona said that he was seeking, by prohibiting the Government of the United States from ever erecting a generating plant, to carry into effect the wishes of the President of the United States in his last message. What a charming thing for the Senator from Arizona to do. He stands here, sir, like a lion in the path, standing here in behalf of the present President of the United States and the President that is yet to be, and asking that the bill be amended only so that he might conform to the wishes of the President of the United States; and then subsequently, the innocent expression vanishing for the moment from his very comely countenance, in a very few moments our friend naively said, "Well, I wish to have private enterprise erect these plants, in order that Arizona may get some taxes out of the plants that are thus erected by private enterprise."

So take which you wish of the sides he presents. He is acting for the President of the United States in endeavoring to preserve intact and unsullied the favorite policy that now obtains with some gentlemen or he is acting for the purpose of obtaining a little more revenue for the State of Arizona by private power interests erecting, in opposition to the wishes of this administration, private power-generating plants at Boulder Dam.

Mr. President, I ask leave to insert in the RECORD, so that they may be with my remarks, the letters of the Secretary of the Interior relating to the particular subject matter to which I have adverted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON subsequently said: Mr. President, I have found some of the letters of Secretary Work, and I should like to read into the RECORD a paragraph from one of them. This is a letter of January 12, 1926:

> The building of a unified power plant by the Federal Government in the place of allocating power privileges, as proposed in the bill, is regarded as more efficient and cheaper. It will obviate controversies between applicants and long delays in their adjustment. In the end the results will, I believe, be superior to those possible under an allocation of privileges. The area for the location of separate power sites is restricted. Allotments would not be equal in value. Some allottees would, therefore, have an advantage over others. It would result in the creation of operation and administration controversies to be avoided, and which a unified development will avert.

Mr. HAYDEN. Mr. President, in connection with the assertion that an appropriation of water for domestic purposes has been perfected by the city of Los Angeles, I desire to read extracts from certain documents that have been printed in support of the Swing-Johnson bill.

Many Senators have all observed in one of the entrances to the Senate Office Building a contour relief map which represents the situation in the vicinity of Boulder Dam, and thence on down the Colorado River. I saw that map for the first time last summer at an exposition in Long Beach, Calif. At that time there was handed to me, by a gentleman who was explaining the nature of the map, a pamphlet entitled "Boulder Dam Legislation," and in it I find these words:

> DOMESTIC WATER SUPPLY
>
> The water supply of Los Angeles and more than 30 other cities, with populations from 1,000 to over 1,300,000, is limited, and their future growth and development demands a new source of supply. No other than the Colorado exists! These cities are overdrawing the underground natural reservoirs of the region and immediate start of construction is necessary. If the water that is now wasted into the ocean is not held back by Boulder Dam—

I repeat those words:

> If the water that is now wasted into the ocean is not held back by Boulder Dam for domestic uses of our cities, they must stop growing and get along on an insufficient water supply.

Thus, the literature issued by the proponents of this legislation proves upon its face that the so-called appropriation of water for domestic use to which the senior Senator from California has referred is utterly vain and useless unless the Boulder Dam is built.

The Boulder Dam is to be constructed by appropriations out of the Treasury of the United States. It will be the property of all of the people of the United States. It is not to be built primarily to care for the citizens of southern California who may need a domestic water supply. For that reason, it appeals to us in Arizona that our State has just as much interest in that dam as the State of California. Arizona stands in the Union upon an equality with that State. We suffer no disability as a State in the Union as compared with the State of California. Under such circumstances, it seems to me that it is a very far-fetched statement to say that citizens of Los Angeles, represented by their authorities who have made a water filing on the Colorado River, have a vested right to the water of that stream which their own publications admit they could never obtain unless this great dam were built.

The document continues:

> Southern California cities are willing to pay for the cost of an aqueduct from the Colorado River, and have already voted $2,000,000 of bonds for that purpose for preliminary surveys and investigations. One million dollars has already been spent and the project has been found feasible and financially sound, and as soon as Congress authorizes the construction of Boulder Dam, to provide the water, and the power to pump it, $150,000,000 more will be spent on the aqueduct by the cities.

As soon as Congress authorizes the construction of Boulder Dam, to provide the water, and the power to pump it!

It seems to me that in no court could it be held that the kind of an alleged appropriation of water which the senior Senator from California has referred to—an appropriation of 1,095,000 acre-feet of water out of the Colorado River—would be considered a valid appropriation if it were dependent entirely upon the action of the Congress of the United States in building the dam to provide the water. The statement that I have read to you admits that the water does not now exist in the Colorado River to supply that appropriation.

I have here a more recent piece of propaganda issued by the proponents of this bill. Every Member of the Senate within the last few days has received a copy of this new argument in favor of the passage of the Swing-Johnson bill. From this document, entitled "The River of Destiny: The Story of the Colorado River," issued by the department of water and power of the city of Los Angeles, the author being Don J. Kinsey, I read:

> So rapid, in fact, has been the development of these great centers of population that we now find many of southern California's cities outgrowing their local water supplies. If they are to continue their expansion in the future, they must secure at once additional water to support the endless stream of home seekers moving westward.
>
> * * * * * * *
>
> As planned by Mulholland, the Colorado River Aqueduct will be by far the largest domestic water-supply system in the world. It will be 260 miles long and will be capable of delivering 1,000,000,000 gallons of water a day to the cities of southern California—enough to meet the domestic and industrial needs of 7,500,000 people.
>
> Construction of the Colorado River Aqueduct is to be financed directly by the cities benefited. It is not included in the river development work provided for in the Boulder Canyon project. Nevertheless, the building of Boulder Dam is a vital necessity so far as the aqueduct is concerned.

If I understood the senior Senator from California, he claims, as the reason why the State of California should have allotted to it 4,600,000 acre-feet of water in any division of water between the States of the lower basin, that there is now in existence a perfected, valid water right for 1,095,000 acre-feet of water, to be used for domestic purposes in the city of Los Angeles. Yet here again, in a pamphlet issued by the department of water and power of that city, it is freely confessed that the water could never be obtained from the Colorado River unless the Federal Government shall make the expenditures for the building of the Boulder Canyon Dam that are provided for in this bill. I again say that this is proof which clearly demonstrates that the city does not possess a perfected water right which could be sustained in any court as valid. And the evidence to sustain what I have said comes from the Los Angeles department of water and power, which probably made the very filing upon which the Senator from California relies.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

Mr. HAYDEN. I yield to the Senator.

Mr. SHORTRIDGE. Is it the Senator's contention as a matter of law that the water rights of California are perfected or not? Is it his contention that they are not perfected rights?

Mr. HAYDEN. I do not contend that there are no such rights in California. There are perfected water rights in California, but this is not one of them.

Mr. SHORTRIDGE. If they be perfected—and I have reference, of course, to the rights involved in this discussion—is it contended that the Congress can divest the State or its people of those rights?

Mr. HAYDEN. I insist that the Congress of the United States, in building the proposed Boulder Dam, should do so with a thorough understanding that the Secretary of the Interior will impound water that is now unappropriated and goes waste to the sea, and that therefore the Federal Government will have complete jurisdiction over the stored water. The Secretary of the Interior will be under no obligation to anyone, so far as that water is concerned, to deliver it to one person as against another, upon the basis of some alleged filing made years ago.

I shall place in the RECORD more than one statement from California sources to fully demonstrate that this alleged appropriation of water for domestic use does not consist of a perfected right. I read now from a pamphlet issued by the proponents of the Swing-Johnson bill during the last session of Congress, entitled "Boulder Canyon Project: Excerpts from Hearings Before the Committees on Irrigation and Reclamation of the Senate and House of Representatives." Here is a quotation from the testimony of Mr. Mulholland, the chief engineer of the city of Los Angeles. The heading is Any Plan for the Development of the River Must Include the Desilting of the Water. Mr. Mulholland's statement is as follows:

> One of the points in favor of the Boulder Canyon and in favor of our enterprise is this: That river has got to be desilted. The silt is the main cause of the trouble in the shifting qualities of this river. The water itself is a very important thing, * * * but the silt causes the trouble.
>
> A dam at Boulder Canyon would bring it down below the last muddy tributary that has any permanence. The Virgin River is the last one. As you go below that you get nothing but summer flashes of cloudbursts and torrents that are very fleeting things. They carry nothing into the river but very coarse material—gravel and bowlders and things of that kind—and would have no effect for any length of time.

This is from the testimony of Mr. Davis, at one time chief engineer of the United States Reclamation Service:

> One of the important functions to be fulfilled by a reservoir is the desilting of the river to relieve the heavy expense of cleaning irrigation canals, and especially to fit the water for domestic use, for which it will soon be required by the cities of southern California.

I read that testimony, Mr. President, to point out that if the Boulder Canyon Dam were not built, and if the filing made by the city of Los Angeles were a perfected water right, the water would have to be obtained from the Colorado River at a time when that stream is in flood, and carries tremendous quantities of silt. The effect would be that instead of pumping out clear water from the Colorado River to deliver to the municipalities in California, large quantities of silt would be pumped into the conduits. To avoid that it would cost a very large sum of money to desilt the water and make it available for use by the people within those cities.

Therefore, the Federal Government will perform two services to the cities of southern California which are essential to the success of their enterprise in conveying water from the Colorado River over the mountains to those cities. First, impound the water and make it available. Second, the impounded water will be cleared of its burden of silt as it leaves the reservoir. So that the domestic water-supply scheme, for which this filing was made, will not be a success unless the Boulder Dam is built.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. SHORTRIDGE. Assuming all that to be true, is that any reason why this bill should not pass?

Mr. HAYDEN. It is a reason why the State of California should not make an exaggerated claim to perfected water rights as a basis for demanding a larger share of the water allocated by the Colorado River compact to the lower basin.

Mr. SHORTRIDGE. May I suggest to the learned Senator that if his argument be true that certain of these claims to perfected water rights are not valid, would not the misfortune fall upon California? And if that be so, why should it disturb the Senator or the Congress?

Mr. HAYDEN. It would not disturb the Senator from Arizona, and it would not disturb the Congress, but for the fact that there is pending as an amendment to this bill a provision which in fact allows the State of California to obtain 4,600,000 acre-feet of water out of the Colorado River, out of the main stream. The people of Arizona feel, and justly so, that that is a larger quantity of water than the State of California is entitled to receive.

If the Senate were merely considering a division of water of the Colorado River, based upon the needs of the lands that were to be irrigated in Arizona and California, there would be but little difficulty, but, superimposed upon the irrigation needs of California is a new demand, to wit, for 1,095,000 acre-feet of water for domestic purposes. In order to meet that demand it is essential that some land which would otherwise be farmed and made fruitful, which would be reclaimed by irrigation to become the homes of happy and contented people, either in Arizona or in California, for the land exists in both States, must be condemned forever to remain a desert, in order that the city of Los Angeles and the other municipalities of southern California may have water for domestic purposes.

We in Arizona say we have no objection whatever to granting all the water that the city of Los Angeles and the other municipalities in California need so long as it comes out of the quantity of water apportioned to the State of California. If it is necessary to deprive lands of water that would otherwise be irrigated in order to supply water for domestic needs, that land should be located in the State of California and not in the State of Arizona.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator another question?

Mr. HAYDEN. I yield.

Mr. SHORTRIDGE. It is not my custom frequently to interrupt Senators when they are making forceful addresses, but does the Senator have a fear that Arizona will be deprived of any necessary water for irrigation or for domestic purposes, in view of the topographical, physical situation of things? Does the Senator have a present fear that his great State will ever suffer because of the assertion of rights on the part of California to certain waters from that great stream?

Mr. HAYDEN. I do possess that fear, and that is exactly why I am objecting to the passage of this bill in the form in which it is reported to the Senate. What the bill does is to give to the State of California, by allocating to that State 4,600,000 acre-feet of water, a quantity of water sufficient to irrigate all of the lands susceptible of irrigation in that State from the Colorado River and on top of that supply more than a million acre-feet of water for domestic use. To do that it will be necessary that lands in Arizona which otherwise would be irrigated shall remain a desert.

Mr. SHORTRIDGE. I assumed the Senator took that position; but where are these lands in his great State that are susceptible of profitable reclamation? Where are they?

Mr. HAYDEN. They are located adjacent to the Colorado River.

Mr. SHORTRIDGE. Where, if the Senator will be good enough to be a little more specific?

Mr. HAYDEN. Principally in Yuma County, Ariz. The proposed diversion from the Colorado River below Boulder Canyon, as far as Arizona is concerned, would be at or in the vicinity of Parker, on the Colorado River Indian Reservation. Within that reservation itself there are more than 100,000 acres of land capable of irrigation with comparatively slight expense.

Mr. SHORTRIDGE. Around about Parker?

Mr. HAYDEN. That would be the commencement of a large irrigation project in Arizona.

Mr. SHORTRIDGE. Pardon me, and I will not interrupt much more. Do I understand the Senator to claim that it would be feasible and economic, from an engineering and practical business standpoint, to divert water from the Colorado River for irrigation of lands around about Parker, Ariz.?

Mr. HAYDEN. I so assert, and base that statement upon a very careful engineering investigation that was made by a bureau of the Department of the Interior, which I have had an opportunity to examine; and I believe it represents a feasible scheme of reclamation.

Mr. SHORTRIDGE. And there are other lands in the State——

Mr. HAYDEN. Vast areas of excellent land crossed by a transcontinental railroad—the Southern Pacific—lands not alkaline in character, lands well drained, lands with a wonderful winter climate, lands that will produce lettuce and winter vegetables, lands that will produce citrus fruits, lands

that will produce every crop that can be produced in the Imperial Valley.

Mr. SHORTRIDGE. In order to bring about that situation in that section of the State just mentioned, has not Arizona contended that the dam would have to be erected above the Grand Canyon?

Mr. HAYDEN. That is not at all necessary.

Mr. SHORTRIDGE. I have heard such a contention made here repeatedly.

Mr. HAYDEN. There have been various suggestions of that kind, but I am speaking solely of lands feasible of irrigation within the State of Arizona below the Boulder Canyon Dam, lands that would be irrigated with water impounded in the Boulder Canyon Reservoir. I say that if all of the demands of the State of California are granted with respect to the quantity of water which that State shall receive from the Colorado River, the inevitable result will be that lands below the Boulder Canyon Dam, lands susceptible of irrigation from that reservoir within the State of Arizona, will be prevented from becoming reclaimed.

Mr. SHORTRIDGE. Finally, referring to a point which was brought up, if these "perfected water rights," asserted by California, are invalid, as the Senator from Arizona contends, can not the fact of their invalidity be hereafter determined, and hence the danger which the Senator thinks overhangs his State be removed?

Mr. HAYDEN. The danger that overhangs my State is not that these alleged water rights will ever be validated by any court. It is that they are now being used as an argument for granting, under the terms of the bill, a larger quantity of water to the State of California than that State is entitled to receive.

If I may be permitted, I want to follow up the evidence from California sources, which I am placing in the RECORD to show that the claim that the city of Los Angeles has a perfected right to water is not well founded. I read now from another pamphlet issued by the proponents of this legislation, entitled "The Federal Government's Colorado River Project," issued by the Boulder Dam Association of Los Angeles, Calif. On page 19 we find, under the heading Domestic Water Supply, the following:

> Cities in Los Angeles, San Bernardino, Riverside, Orange, and San Diego Counties, in southern California, owing to a very large and rapid increase in population, are feeling the necessity of seeking additional water supplies for the domestic needs of their inhabitants. Investigations have shown that about 1,500 second-feet or about 1,000,000 acre-feet per annum of water will be required for these communities and that the only possible source is the Colorado River. Among these cities is Los Angeles, having a population of more than 1,000,000. The people of that city have already authorized a bond issue of $2,000,000 for preliminary investigation and construction.
>
> In order to carry through this great water project, it is proposed to incorporate the interested cities and communities into a municipal district and to build an aqueduct 260 miles in length, tapping the river at some convenient point below Black Canyon.
>
> The Boulder Canyon development, because of its large storage, opens the way for these cities to secure, at their own expense, of course, a supply of domestic water from the conserved flood waters of the river.

Is it not perfectly obvious from what I have just read that there never was any intention and there never could be any intention that the filing made by the city of Los Angeles for the right to divert 1,095,000 acre-feet of water from the Colorado River would ever be satisfied from the normal flow of that stream? It would be a useless expenditure of money for the city of Los Angeles to build an aqueduct to the Colorado River without the construction of Boulder Canyon Dam. During the major portion of the year the water would not be there to fill the aqueduct. During times of flood, as I have said, there would be water present, but it would carry such a large burden of silt that it would be a wholly impractical matter to attempt to transport it through the aqueduct to the city of Los Angeles. It would make necessary a vast expenditure for desilting work, and as soon as the flood subsided there would be no water available for the city of Los Angeles in the Colorado River, because prior appropriators in Imperial Valley and elsewhere would demand it for the needs of their crops.

It seems, Mr. President, unnecessary for me to offer much more evidence in this regard, but there is one more statement from a California source that I think I ought to put in the RECORD. That statement is from the Boulder Dam prosperity edition of the Evening Los Angeles Herald. I read from the issue of that paper of March 31, 1928, as follows:

> A high dam in Boulder Canyon will provide a domestic water supply for Los Angeles and a number of smaller southern California cities, which have united in forming a water district to erect an immense aqueduct from a point near Blythe to Los Angeles. This water will be seriously needed before the great enterprise can be completed.

That statement is predicated upon the fact that the city of Los Angeles can not obtain a domestic water supply unless a high dam is built at Boulder Canyon. If that is the truth, then this alleged filing, this claim to a perfected water right for 1,095,000 acre-feet of water, is utterly worthless and of no more value than any other kind of a paper filing made by anyone who might be seeking to promote some wildcat scheme of irrigation or reclamation elsewhere in the West.

Mr. PHIPPS. Mr. President, I do not intend to discuss the measure at length to-day, but I am now in receipt of a communication from the mayor of the city of Denver, in which he transmits a memorandum on the subject of the high dam on the lower Colorado River prepared by the special counsel for the city of Denver. I do not consider it necessary to read these communications at length, but do regard them of importance and therefore request that they be printed in the RECORD, including the letter from Mayor Stapleton and a copy of my acknowledgment, and the counsel's report.

The PRESIDING OFFICER (Mr. SACKETT in the chair). Without objection, it is so ordered.

The documents referred to are as follows:

CITY AND COUNTY OF DENVER,
December, 1928.

Hon. LAWRENCE C. PHIPPS,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: As mayor of the city of Denver, I ask a moment of your time respecting the Boulder or Black Canyon bill of Senator JOHNSON, being S. 728.

I want to let you know that while, of course, the primary purpose of the proposed high dam is flood and silt control for the benefit of the Imperial Valley and neighboring areas in California, and to some extent for certain of the lowlands of Arizona lying along the river, yet the bill, in solving the flood problem, would serve as a most important step in the solution of the Colorado River controversy. This controversy has been raging for years among the seven Colorado River States. Indeed, unless this bill or an equivalent bill providing for a high dam somewhere on the lower Colorado should be passed there would be no way under the peculiar interstate water law of our part of the country by which with legal certainty the upper States of the Colorado River Basin—Colorado, New Mexico, Wyoming, and Utah—with whose interests the city of Denver is identified, could secure a segregation of part of the water of the river for their future growth and expansion.

There is a rather common impression that the proposed project is of no advantage except to the flood areas above referred to, whereas the bill is needed almost as much, although for reasons different from those of flood control, by the upper States and their cities as well. I am aware that this bill does not follow in all respects the corresponding bill that has passed the House, but undoubtedly the differences would be adjusted in conference committee.

I inclose copy of memorandum filed by the city of Denver with the Colorado River Board showing, as its title indicates, "Why a high dam at some point on the lower Colorado is needed by the upper basin and by the city of Denver."

With thanks for your brief consideration, I am,

Sincerely yours,

BENJ. F. STAPLETON.

DECEMBER 7, 1928.

Hon. BENJAMIN F. STAPLETON,
Mayor, Denver, Colo.

MY DEAR MAYOR STAPLETON: Acknowledgment is made of your recent letter, without date, urging the enactment of S. 728, the bill for the construction of the Boulder Canyon project.

As a member and later chairman of the Senate Committee on Irrigation, I have studied this matter for many years and agree with you that satisfactory legislation for the construction of this dam, which would also bring about the ratification of the Colorado River compact, would be of substantial aid toward securing water from the stream for Colorado and other upper-basin States. From the start I have been most anxious adequately to safeguard Colorado's future, as well as present water rights, and have studied the problems involved always with that thought in mind.

I shall take pleasure in calling your indorsement of the proposed legislation to the attention of my colleagues in the Senate, and sincerely trust that a satisfactory bill for this purpose will be enacted during the present session of Congress.

Cordially yours,

LAWRENCE C. PHIPPS.

DENVER, COLO., *November 17, 1928.*

COLORADO RIVER ENGINEERING COMMISSION
(Maj. Gen. William L. Sibert, Chairman).

GENTLEMEN:

MEMORANDUM ON WHY A HIGH DAM AT SOME POINT ON THE LOWER COLORADO IS NEEDED BY THE UPPER BASIN AND BY THE CITY OF DENVER

(By L. Ward Bannister, special counsel for city of Denver)

* * * * * * *

DENVER'S INTEREST

Colorado's principal source of water supply to serve her future expansion is the Colorado River. Denver does not want to be left to the fate of being the capital city of a State forever limited in its economic development by shortage in water supply. Furthermore, Denver itself has initiated rights for transmountain diversion from the headwaters of the Colorado along several different routes for use of the waters within the city. Denver's interests in the Colorado River are identical with those of the upper States generally.

THE DANGER

The danger to which the upper States, including the city of Denver, are exposed arises from the nature of the law governing interstate streams and from the nature of the present and prospective uses of the water of the river. This combination of law and fact puts in jeopardy the chance of the upper States to increase their present uses of water unless a high dam should be built at some point on the lower Colorado.

THE LAW

The case of Wyoming *v.* Colorado (259 U. S. 419), which is the latest of the decisions of the United States Supreme Court, lays down the rule, with certain modifications which for purposes of a margin of legal safety need not be noticed here, that waters are to be divided between States which maintain the appropriation system of water law, as distinguished from the riparian system, according to seniority of use regardless of State lines. Under this rule the earliest users in the order of their seniority and no matter where situated have the first right to the waters to the extent of the necessities of their respective uses as originally established and the later users get what is left. Whether the latest users get anything at all depends upon whether anything is left after the water is supplied first to the satisfaction of the uses which are older than theirs. Since this rule works regardless of State lines, it would follow that if only the water uses in one State were early enough and the water scarce enough, the other State would go without water in the absence of special remedies to obviate such an unfortunate result. A high dam and the Colorado River compact ratified would constitute such remedies.

THE FACTS

Roughly speaking about one-third of the waters of the Colorado system have been put to use and the four upper States are using about the same quantity that the three lower States are using. The remaining two-thirds have not been put to use. During the period of low water each year the volume of the water in the river is no more than sufficient to take care of the present uses in the different States, and there have been several years lately when it was insufficient; in other words, when the natural low flow was overappropriated.

In the upper States there are no new water projects of great draft upon the river in sight for the near future. There are none of such significance for agricultural purposes among the lower States, except with proposed Government aid. There are power projects, however, proposed for the lower States and to be licensed by the Federal Power Commission sufficient in size to use all of the now unused waters of the Colorado River. Applications for these projects are pending already. If these projects should be licensed by the Federal Power Commission and built, they would be entitled, if the rule of priority, regardless of State lines, is to be applied, as contended by the lower States, to have all of the now unused waters of the river go down forever to the lower States to satisfy the requirements of those projects; in which event the upper States could not hold such waters back for use within their own limits, and in consequence the economic development of those States as far as depending upon the Colorado River would be at an end, unless special remedies are to be adopted to circumvent such a disaster. A high dam would be such a remedy.

According to a memorandum issued to me, under date of December 9, 1927, by Engineer E. B. Bebler, of the Reclamation Service, it appears that the low flow of the river is exhausted to a degree more serious to the upper States, if this memorandum is correct, than generally supposed. The head gate of the Imperial Valley ditch is below Yuma, and the capacity of that ditch is said by Mr. Debler to be 6,500 second-feet, with a water claim therefor of 10,000 second-feet. Yet it also appears that for 32 days in 1915 the flow dropped as low as 2,700 second-feet, and that the average flow for the same period was 4,400 second-feet; that for 24 days in 1919 the flow dropped to as low as 2,300 second-feet, with the average flow for the same period at 4,000 second-feet; that for 73 days, in the summer of 1924, the flow dropped as low as 1,200 second-feet, with the average flow for the same period at 3,300 second-feet; that for 35 days, in the summer of 1926, the flow dropped as low as 2,440, with an average flow for the same period of 4,600 second-feet. When I say that during any of these periods mentioned the flow dropped to a certain minimum I do not mean that this was true for the entire period, but only at some period of time within the period. The average flow for each period as a whole I have given.

The California priorities, including those for the Imperial Valley ditch, are, Mr. Debler informs me, old ones, dating for the most part back to 1900. He tells me that the same thing is true of many of the Arizona priorities. It is said that most of the priorities in the upper basin in point of aggregate of water are more recent. Assuming this situation to be true, it follows that if priorities regardless of State lines were to be strictly applied, the upper States, in default of some special remedy, such as interstate compact and the building of a high dam under act of Congress, would be obliged to allow some of the waters represented even by their existing priorities to go down to satisfy earlier priorities of California and Arizona. Of course, if some of the existing priorities in the upper States would be obliged to surrender water to earlier priorities in California and Arizona, it would be all the more true that such a surrender could be imposed upon priorities in the upper States not yet created but which are sure to come into existence as the upper States continue their development.

As far as present consumptive uses of the waters are concerned, California is more of a rival of the upper States than is Arizona. Under date of December 16, 1927, the same engineer, Mr. E. B. Debler, informs me by a letter that nearly all of the California and Arizona rights out of the main river, so far as volume of water claims is concerned, are older than 1900, and that of the water thus claimed, Arizona has 823,500 acre-feet per annum and California 4,917,000 acre-feet; and that in terms of peak flow per second of time Arizona's claims aggregate 3,633 cubic feet and California's 11,567 cubic feet. Clearly California's claim in terms of acre-feet being over five times that of Arizona, and in terms of second-feet being over three times that of Arizona, it follows that California is many times more dangerous, so far as existing rights in the main stream are concerned, than is Arizona and must be dealt with by upper States.

REMEDIES, INCLUDING THE HIGH DAM

Immense projects are in the offing for the lower States to be built under licenses to be sought from the Federal Power Commission, and with no projects of corresponding magnitude in sight for the upper States in the immediate future, and with the low flow of the river already overappropriated, and with some of the existing water rights of the upper States already in jeopardy because of the contentions which earlier appropriators in the lower States are making for a preference, it follows that the upper States must seek, if they would protect themselves, some remedy which, while affording a fair amount of the water to both groups of States, will not sacrifice the economic future of either group as it might be sacrificed under the rule of priority regardless of State lines without intervention of any kind.

The best remedies are those of interstate agreement, such as the Colorado River compact, and a high dam built under authority of the Congress at some point in the lower States, and with the validity of the compact reinforced as far as the Congress may have power to reinforce it by appropriate provision to that end inserted in the bill authorizing the dam.

The upper States can not get California to ratify the Colorado River compact unless a high dam be provided. Furthermore, if a high dam were built, the existing early irrigation rights in California and Arizona could be satisfied out of the flood flow of the river, leaving the low flow to be retained for use in the upper States.

California argues that while she would be glad to enter into a compact with the upper States for a division of water between the two groups of States, yet she can't do it with safety without a high dam, for the simple reason that the bulk of her existing priorities are earlier than the bulk of the priorities in the upper States, and therefore preferred, and that she would be sacrificing them by entering into an agreement to divide the waters unless a high dam were provided in order to supply them. The interest, therefore, of the upper States themselves requires that a high dam be built in order that they may obtain California's signature to the interstate agreement, and that the normal flow of the river may be retained more largely in the upper States and the flood flow used more largely in the lower States.

It does not matter to the city of Denver where the high dam is built, whether at Boulder Canyon or Black Canyon or elsewhere, as long as one is built. It does not matter whether the power at the dam is generated by the Government or by private enterprise. It does not matter whether royalties be paid to the States in which the dam is situated or not, although justice to these States would require some provision for income. From the standpoint of the city of Denver all of these questions, while important, are minor compared with the greater question of bringing about a division of the waters between the two groups of States through the building of a high dam and ratification of the Colorado River compact.

There have been proposals of a low dam instead of a high dam. A low dam would afford flood control, it is true, but it would not solve the Colorado River controversy, because it would not provide for the satisfaction of existing water priorities in the lower States the quantity necessary to induce California to enter into an interstate agreement. Indeed, the upper States would be compelled in their own interest to fight any congressional proposal for a low dam, because as the waters would be released they would be put to additional use in the lower States and additional rights would be claimed in the lower States by reason of this additional use, and the upper States would find themselves without any interstate agreement by which the additional use could be compensated by an increased use to the upper States.

The city of Denver is prepared to accept a project for a high dam, even though the Colorado River compact should not be ratified by more than six States, but hopes that interstate differences may be adjusted, so that all seven States may be included, thus satisfying all States and increasing the certainty of the legality of the division of water between the two groups of States.

I do not know with accuracy just what questions your commission will consider in reaching conclusions. But in behalf of the city I want to get before you the attitude of the city, as maintained by its mayor, the Hon. B. F. Stapleton, toward the proposed Boulder Canyon project, knowing that you will consider any points material to your labors and recognizing fully that all others will be disregarded.

Respectfully,

L. WARD BANNISTER,
Special Counsel for the City of Denver.

Mr. PHIPPS. Mr. President, I do not know of any Senator who has not been convinced of the necessity for the construction of a dam on the lower Colorado River, particularly for the purposes of flood control. The differences that have arisen center about the advisability of making it a high dam, and the arguments pro and con have been under consideration by your Committee on Irrigation and Reclamation for a term of years, including in its studies personal visits to the neighborhood and the site of the proposed dam, and the taking of testimony which now comprises almost a library in itself.

Personally I have found it one of the most interesting, but at the same time the most intricate and difficult, questions that I have been called upon to consider since becoming a Member of the Senate. There are so many ramifications, there are so many different points of view; and even with a bill that is presumably perfected, when we come to reread it we discover some point that has not been properly adjusted and an amendment is proposed to correct that situation, and we find again that that involves additional changes in some other feature of the bill.

I have gone on record heretofore as not only favoring a dam for flood control, but also a dam as high as could be constructed with safety in order that hydroelectric power might be produced there with a view to deriving a revenue that would, at least in part, pay for the cost of the structure and which would at the same time provide waters for irrigation and also for domestic use, need for which in the last two or three years has become more than ever apparent in the cities of the coastal plains.

Mr. President, I am not quite in accord with the view of the author of the bill in that he believes a certain power trust has been fighting the measure and that the power companies are opposed to it. His evidence may be satisfactory to him, but personally I will say frankly that nothing of that nature has ever come to me. I do know a little something about the business of the power companies serving that territory. I know that they are under the control of a properly constituted State utilities commission, whether known by the name of utilities commission or railroad commission. All power companies have their rates not only regulated, but fixed, at hearings by those commissions. On complaint by consumers of power, hearings will be ordered and rates will be considered and rulings made by the commission which the power company must observe. Over and above that, their properties are valued according to the investment, and on the showing of the value invested alone the companies are limited in their earnings to a fixed rate per annum which I believe in no case exceeds 8 per cent per annum. Considering the risks incident to the business, I do not think anyone would regard that an exorbitant ratio of earning when it is known that the same companies, in order to finance themselves, find it necessary to sell bonds for a certain proportion of property cost on which they have had to pay from 5 to 6 per cent for interest, and in times of money stringency have had to pay even higher rates.

Personally I believe that the power companies, which are experienced in the business and have their organization and managements that have grown up in years of service, are far more competent to erect to-day a large power plant such as would be required for this enterprise than would any set of employees we could find among the governmental forces of the United States at the present time. I stated just a day or two ago and I desire to repeat that the economies that can be effected by construction by private enterprise will more than exceed a difference in interest rates of, say, 1 per cent or the difference between Government money at 4 per cent and private money at 5 per cent.

The provisions of the Senate bill, which has been offered as a substitute for the House bill, would give first to the States, municipalities, or political subdivisions of States the right to construct a power plant; second, to private enterprise or corporations; and third, to the Federal Government. It seems to me that in that form the bill should be unobjectionable. I think that those provisions of the bill are wise, although perhaps unnecessary as regards the Federal Government; but there I think the judgment of the Senate should be the deciding factor. In other words, I believe that Senators should vote in accordance with their own view and opinion in the matter rather than accept the dictum of the Senate Committee on Irrigation and Reclamation.

Mr. President, the power companies which are now supplying the territory that could be served from plants at the Boulder Dam before building a line into new territory have to make a showing before the utilities board to the effect that it is a matter of convenience and necessity. Where one company has its lines in service and is supplying consumers in a district no other company may obtain permission to invade or enter into that same territory unless the new company can show that it is necessary for the convenience of the community to have the additional lines and service. These regulations have grown up out of years of experience, though they are at some times considered onerous by the power companies. It has sometimes happened that where a power company has extended its lines so as to serve a new development, such as mining, and then the project fails or is not a financial success, it has absolutely lost its line, had to tear it down and get what salvage it could out of it. So there are risks in the business; there is no doubt about that.

It would seem to me when this legislation shall have been perfected and the project can be gone ahead with, as I hope it may in the near future, the natural development of the power end of the project can be readily brought about through combinations of the companies now serving portions of the territory, by municipalities or other political subdivisions, or water users forming organizations, which would become political entities. I see no insurmountable difficulty in the way. All of those interests could get together, and each could figure what amount of power it required. Given the cost to produce, it is very easy to arrive at a percentage and to apportion the cost of the plant necessary to produce the amount of power required by the subscribers or contributors or partners. So it is just as easy to divide the expense of operation, including repairs and everything that goes with it.

Again, I notice the reading of the letter from the Department of the Interior—which was dated about January 12, 1926—in which it was endeavored to point out the difficulties that might arise in allocating the power privileges to different applicants and to different companies. Mr. President, I do not believe that the possibilities under the proposed dam would be developed piecemeal after any such manner. I believe the units in the unified system that would be adopted by those who know the business would be constructed one at a time as the demand for power would need to be met, and as the power demand increased additional units would be added.

It is estimated that it would require seven years time in which to construct the dam. Incidentally some of the work in connection with the power plant could be proceeded with, but the construction of the plant, with the exception, possibly, of the first unit, would, in my opinion, have to be deferred until the dam was well along toward completion. So I do not believe that power would be available other than for incidental use, partly in the construction of the dam itself and partly in the construction of the aqueduct lines if that work were far enough along to justify it, but there would be a rapidly increasing demand from time to time.

There would also be the necessity for the erection of transmission lines, which is no small undertaking. Eventually, when the new plants at the Boulder Dam were put into service, there would then be the opportunity of exchange or interchange of power as between that produced at Boulder Dam and that produced at seaboard or at some place in the high Sierras.

I do not regard as insurmountable the problems incident to the department contracting with those who could put to use the hydroelectric power that might be produced. In fact, I do not believe that they will be found very difficult. Given the fact that there is demand for and will be increasing demand

for power, particularly when we have in mind the very large block of power that will be required for the proposed Los Angeles aqueduct for pumping the water, the entire program should go along without very much friction; it should not prove to be a problem more difficult than many that have heretofore been met, worked out, and solved by the Federal departments.

The quantity of power that may be produced under the dam, I am pleased to note, has been found by the Colorado River Commission, headed by Major General Sibert, to be just the figure we have always been given; in other words, the new commission confirms and indorses the finding of the Reclamation Bureau of the Department of the Interior; that is to say, 550,000 horsepower, which would be considered as firm horsepower, or on a 55 per cent load factor, 1,000,000 horsepower. The quantity, of course, is large, and yet, with the rapid development and growth in California, particularly in southern California, and taking into consideration that eventually from 300,000 to 350,000 horsepower will be required for aqueduct pumping purposes, there is no question that any surplus produced there will be utilized to advantage and there will be a demand for it.

The question of the cost of production naturally enters into the problem. Arguments have recently been advanced to the effect that modern methods of production by steam, utilizing oil, coal, or coal dust or natural gas as fuel, have progressed to the point that hydroelectric power can not compete.

Mr. President, here we have the Colorado River, here we have a dam and power plants, and right near by a customer requiring over one-half of the normal output of the plant. To say that natural gas or coal dust or coal or oil at the seaboard—that is, at Long Beach or Huntington Beach—could compete with the hydroelectric power at Boulder Canyon Dam, or at the points where the power would be used for the aqueduct, does not appeal to me to be a reasonable proposition. I think that there is room for hydroelectric development. I believe it can be utilized at a cost at least equally as low, if not lower, than electricity produced by steam power could be delivered at the point of consumption.

It seems to me, Mr. President, that the adoption of the resolution under which the Colorado River Commission was appointed, and under which it has served and submitted its report, was a very wise move on the part of the Congress. It has cleared up several matters of doubt, in the minds of some of us, at least, and I think in the minds of many. The feasibility of the project is indorsed by the commission. It is declared to be not only feasible but safe, under precautionary conditions and measures. There, I believe, the commission has certainly gone to the extreme limit in order "to make assurance double sure" and to play on the safe side. The report necessarily was based upon House bill 5773, because that was the only piece of proposed legislation which had been adopted by one branch of the Congress. That bill as passed by the House differs from the Senate measure in one or two important particulars, one of them being as to the provision for the all-American canal, which, under the language of the House bill, is included with the dam and the power-producing plant so as to comprise one project. The Senate bill, however, separates the all-American canal from power and from the dam itself in that it definitely puts the all-American canal under the reclamation act as part of a reclamation project, the Government to be reimbursed not out of revenues derived from the power plant but from contributions from the lands that will be benefited by the all-American canal; so that necessarily in its findings the commission hesitated to say that the project would be self-supporting out of power revenues, because it conceived that the revenues would not be great enough to take care of the all-American canal as well as the dam structure and the power plants.

The estimates made by this commission are materially higher than those which had been made by the Department of the Interior, particularly with reference to the all-American canal. The information that I had on that subject is limited. I wish I might be in position to be more certain of my own views with reference to the all-American canal. I think it is a project that will be justifiable, that will come along in time. Whether or not we are ready for it to-day, whether or not the lands to be benefited could assume the burden of taxation that would be necessary to repay the Government for the project, is quite a problem. It might be that by the time the dam had been completed conditions would have changed to the point where it would be found really a necessity, and the work would be justified and should be done.

When it is gone ahead with, I have a strong feeling that we shall be able to avoid the very difficult, expensive route through the sand dunes not far from the Colorado River. I have been informed, although I have not had the opportunity really to check up on this information, that preliminary lines of survey are being made from a point higher up the river than the Laguna Dam which would give a canal line or aqueduct heading into the Coachella Valley that would put all of the water into both the Coachella and Imperial Valleys by a gravity flow. It would not be a very much longer line; it would certainly be a much less expensive line to construct than the one which has always been figured on through the sand dunes; not only less expensive to construct, but much less expensive in upkeep.

Mr. President, because I am not convinced that the commission's estimate of cost should have included an additional $11,000,000 to provide for the extension of the canal into the Coachella Valley, I have, in offering an amendment, adopted a total figure of $165,000,000 rather than the $176,000,000 suggested by the commission.

The indication given by the commission that the Federal Government might contribute something for the purposes of flood control tended to confirm a feeling I have had for some time in dealing with this bill, and that is that the main reason for the Federal Government treating with this problem at all is the obligation resting upon the Government to provide flood control for the territory in the lower reaches of the Colorado River. That obligation is just as strong, just as binding on the Federal Government as any that rests upon it to provide flood control in the Mississippi Valley. Estimates of the cost of flood-control dams have been made. The Topock Dam, for instance, came to a certain figure, on top of which very large additional allowances would have to be made for the destruction of property which would be inundated. Other estimates have been made. The most reliable one, and the one which probably would be nearer the mark in case a flood-control dam alone were under consideration, is, as I recall, $28,000,000.

In the amendment which I have had printed I suggest that out of the advances to be made by the Federal Government the amount of $25,000,000 be assigned to flood control, to be repaid only after the other advances made by the Government have been repaid. I think that is an allowance which could be properly accorded to this enterprise.

I think the Government, although it has already expended some money, time, and effort on this problem, is responsible for safety along the lower reaches of that river. I feel that the amount suggested, which is approximately what it would cost if the dam were constructed for flood control alone, is not out of line, and that that concession could be made, particularly in view of the fact that the revenues derived from the power, from the storage of water, or from other sources, would eventually repay the Government for the entire advances, including the $25,000,000.

Eliminating the repayment of the cost of the all-American canal, and assuming that the Government will contribute something, either the total amount or part, for flood-control purposes, the river commission expresses the view that the project would be self-supporting and the investment would be repaid within the term of 50 years. Of course, 50 years is quite a length of time; but the original estimates were that the cost of this entire project could be repaid within a period of 25 years. So, again, I feel that the commission in expressing its views has been at least conservative. I believe that the commission has given us a fair expression of opinion based upon at least six months of very arduous labor; and, as I said before, it has relieved some of the doubts that have been in the minds of Members of the Senate. We can go ahead with the project now with the assurance that it is not only justified from every standpoint but that it is worthy, and will in the end pay out for the expenditures incident to it.

Mr. President, there seems to be an unfortunate difference of opinion between two of the States, the two that are chiefly interested in this enterprise; the two to which it is most important, much more important than it is to the other five States of the basin. California and Arizona are not very far apart in the matter of water allocation. That difference should be composed. Personally I have tried to extend any assistance that I could to bring about that desirable result. I shall continue to do so; but it seems to me that the time has now come when those two States should get together. Frankly, I do not feel that the State of Arizona should stand off and say, "Well, if we get the water allocation fixed we will not consent until California and the Senate yield, and say that these power plants may not be constructed by the Federal Government."

In my judgment, with the alternative stated in the Senate bill, the right of the Federal Government to construct will be nothing more than a safeguard.

I believe that private enterprise, municipalities, and the Southern California Water Users' Association, or whatever it may be termed, can participate jointly in the construction of

the power plant and the division of the power to be produced. I do not see any great difficulty in the way of it. Therefore, I feel that Arizona should not make a definite objection to that provision of the Senate bill.

As to the upper basin States, naturally we are interested. I put in the RECORD to-day the expression of views of those representing the city of Denver, my home city; and I am in accord with the views expressed in those communications. The upper basin States are at the present time using something like two and three-quarter million acre-feet of water. The possibilities are such that those uses can be at least trebled. Experience has shown that taking the water out of the stream to any extent like that means that at least 50 per cent will return to the stream; so that the use for irrigation does not mean that if the upper basin States take out an additional 5,000,000 acre-feet during the period of a year, the flow into the lower basin will be diminished by that figure. As a matter of fact, it will hardly be diminished to the extent of 2,500,000 acre-feet, according to our best experience.

Mr. KING. Mr. President, will the Senator yield?

Mr. PHIPPS. Certainly.

Mr. KING. That depends entirely on whether the water is taken to another watershed. If it is used in the same watershed, and it finds its way back into the stream by percolation, then I think the deduction of the Senator is correct. But the Senator knows that if he takes the water to Denver, as we have taken it to Utah, into another watershed, then obviously it will not return to the Colorado River.

Mr. PHIPPS. The Senator is no doubt quite right about that. The fact is that Denver, as the Senator is aware, has her filings and absolutely will require water from the western slope of the mountains for her own domestic uses. She will be in just as great need of that water as Los Angeles will be of the water from the Colorado River. The amount to be diverted for domestic use, however, is relatively so small that I will be pardoned for having allowed it to escape my memory for the moment, because, as I recall it, it is only 100,000 or 120,000 acre-feet.

Mr. KING. Think of the fact that Denver is going to grow into a great metropolitan city some day!

Mr. PHIPPS. I appreciate the Senator's remark. I have that hope, because Denver has climatic advantages that are comparable with those of Salt Lake City or Ogden, and our communities, as the States, have not only always been neighborly but we have been really friendly. Now, we are hoping to make our contact even closer, because through this same tunnel that will bring water for the domestic supply of the city of Denver runs the Denver & Salt Lake Railroad, which, within a short period of time, we hope to see connected up by a short line or cut-off with the Denver & Rio Grande Western, which will give us a more direct entrance to Utah. In other words, we cut off from 125 to 175 miles of distance, and that, too, will mean something for transcontinental travel.

The upper basin States—perhaps I might more properly speak for Colorado alone—have only this selfish interest in the Boulder Dam proposal, other than a naturally friendly one. Their selfish interest is that, coincident with the authorization of the dam, must be an agreement under the compact of the seven States for division of the water of the Colorado River, which will prevent, for all time, discussions, disputes, and lawsuits which would go to every court up to the Supreme Court of the United States before they were determined. There are so many points which come in that even one lawsuit as between Colorado and Kansas does not decide all of the points involved, and, as the Senator from Kansas who sits before me [Mr. CURTIS] knows, our two States are to-day in the Supreme Court of the United States, and have just argued another case involving a water dispute.

We have had our differences with Wyoming, unfortunately, and while we have come into compact for division of the water of one of the streams that is interstate, and are endeavoring to cover the waters of another stream that flows through Colorado, through Wyoming, and into Nebraska, we have not yet been able to get together in an amicable settlement as to that river.

We are also endeavoring to arrange and have progressed in arranging for agreed divisions of water of the interstate streams flowing between Colorado and New Mexico. On one stream we have already agreed. As to others we are in negotiation.

It does seem reasonable, fair, and proper that where there is this God-given opportunity to use the waters of a stream to the best advantage, the States should use every endeavor to get together and agree amicably upon the division of those waters, rather than resort to struggles in the courts of the United States to settle their differences.

Mr. KING. Mr. President, may I interrupt the Senator?

Mr. PHIPPS. Certainly.

Mr. KING. I would like to supplement the observation just made by my distinguished friend. I think that, in relation to the Colorado River controversy, wisdom would have dictated that in the beginning there should have been a compact entered into by the States interested, and a Colorado River commission appointed, having plenary power to deal with the entire subject in a comprehensive way. New York, Pennsylvania, New Jersey, and perhaps Delaware, have recently exhibited a vast amount of wisdom in dealing with the waters of the streams in which they are mutually interested, and they have created a corporation to deal with those streams, which has quasi-governmental powers, and that corporation, in the New York case, has authority to issue bonds and to contract obligations.

It seems to me that as to these interstate streams there should be commissions created with authority to deal with the streams, to allocate the water, to determine the conflicting claims, to create obligations through a corporation, to borrow money, and to provide for the development of the streams.

If the Colorado River situation had evolved a plan of this character, and the upper States and the lower States had created a commission 10 or 15 years ago, and divided the water, and made provision for the building of dams, all of these controversies would have been avoided, and this question, instead of becoming so intricate, and involving so much of the time of the Federal Government, would have been solved long ago, and solved by the States themselves, as the States ought to solve these questions.

The States have rights in the rivers and in the waters of the rivers. Particularly that is true in those States where we have the law of appropriation, in contradistinction to the riparian doctrine, and where they do have those priorities, and there will be priorities that will be conflicting, there ought to be commissions created for the purpose of solving all the questions.

I hope that before this question shall be finally disposed of provision will be made for the creation of a commission, a Colorado River commission, to complete any work that will be left incomplete by the passage of this bill, because there will be other problems in connection with the river that will not be solved by the passage of the bill which is now before us.

I want to agree with the Senator in saying that the States themselves ought to have commissions for the purpose of controlling these interstate streams and avoiding conflicts that will take them into the courts, and involve litigation for a long period of years.

Mr. PHIPPS. Mr. President, I find myself pretty generally in accord with the views of the distinguished Senator from Utah. It is, of course, a difficult matter to persuade any State legislature to delegate to some inferior body its power to negotiate or to appropriate money or to incur obligations. The necessity for working out these problems of a division of water, however, is very important, very apparent, and I quite join with the Senator in expressing the hope that there may be some means devised that will avoid getting into the disputes that have been so interminable, so costly, and even so disastrous to our interests in the arid-land States.

Mr. President, at some future time I may desire to say something further before this bill comes up for final passage. Certainly I expect to discuss some of the amendments, including the one now pending, before it shall come to a vote.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 4 o'clock p. m.) took a recess until to-morrow, Saturday, December 8, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 7, 1928

COAST AND GEODETIC SURVEY

To be aides with relative rank of ensign in the Navy

Laurence Wilbur Swanson.
Gilbert Rolland Fish.
Franklin Rice Gossett.
Ernest Bane Lewey.
John Clarence Mathisson.
Harold Joseph Oliver.
George Edward Morris, jr.

To be junior hydrographic and geodetic engineer, with relative rank of lieutenant, junior grade, in the Navy

Leonard Carl Johnson.
Emil Herman Kirsch.

UNITED STATES COAST GUARD

To be temporary ensigns

Raymond B. Newell.
William D. Wilson.
Petros D. Mills.
Frank E. Miner.
Leonard T. Jones.
Richard A. Haines.
Henry F. Garcia.

To be lieutenant commanders

Charles W. Dean.
Walfred G. Bloom.
Roderick S. Patch.

To be lieutenants, junior grade

Gaines A. Tyler.
Ira E. Eskridge.
Harry W. Stinchcomb.
Harold C. Moore.
Richard M. Hoyle.
Morris C. Jones.
Miles H. Imlay.
Francis C. Pollard.
Stanley J. Woyciehowsky.
Kenneth K. Cowart.

POSTMASTERS

ARIZONA

James H. McClintock, Phoenix.

ARKANSAS

Mamie L. Glasco, Bigelow.

CONNECTICUT

Martin M. Hansen, Mansfield Depot.
John R. MacLean, Pineorchard.
Mary L. VanCamp, Somersville.
James Service, jr., South Willington.

HAWAII

T. G. S. Walker, Kahuku.
H. Blomfield Brown, Lanai City.

IDAHO

John D. Wright, Homedale.
Spencer H. Lawson, Spencer.

KANSAS

Lloyd T. Erickson, Cleburne.
Albert H. Selden, Clyde.
John A. Dimmitt, Culver.

MAINE

Albert A. Marr, Hartland.
Henry W. Park, Mexico.
Joe S. Stevens, Millbridge.
Albert R. Michaud, St. Agatha.

MICHIGAN

Harry C. D. Ashford, Big Bay.
Marian A. Cleary, Clawson.
Fernando D. Petermann, Kearsarge.
Lempi M. Wertanen, Mass.
Elizabeth Riggs, Munith.
Jens H. Wester, Sawyer.
Louis J. Braun, South Range.
Hilda Webber, Trenary.
Arthur M. Gilbert, Wakefield.

OHIO

Zetta B. Shufelt, Bascom.
Joseph A. Link, Carthagena.
James R. Geren, Columbus.
Ensign C. Newby, Eaton.
Cora A. Emery, Gates Mills.
Bertram A. Bell, Genoa.
Elvah E. Unger, Gettysburg.
Clifford B. Hyatt, Killbuck.
Herbert L. Emerson, Kirkersville.
Jesse W. Huddle, Lancaster.
Franklin S. Neuhardt, Lewisville.
George C. Bauer, Maderia.
Ross E. Powell, Middleport.
Charles E. Phillips, Moscow.
George L. France, Powell.
Lloyd B. Folk, Rawson.
Ora M. Elliott, Twinsburg.
Worth D. Westenbarger, Wadsworth.
Alan R. Branson, Wellington.
Arthur C. Oberlitner, Whitehouse.

OREGON

Lewis B. Baird, Bend.
John Q. Buell, Chiloquin.
Jesse A. Crabtree, Tigard.

PORTO RICO

Felipe B. Cruz, Vieques.

TEXAS

Edward D. Fiero, Acme.
Carter H. Miller, Baytown.
William T. Reid, Blooming Grove.
George W. Dennett, Brownsville.
Robert G. Gribble, Crowell.
Lucile H. Pape, Gregory.
John W. McKee, Haslam.
Curtis Stewart, Hull.
Mattie Randolph, Iraan.
Edgar Lewis, Mesquite.
Carrie L. Thomas, Odell.
Hattie E. Eaton, Peacock.
Pennie S. Langen, Premont.
Guy G. Goodridge, Robstown.
Violet J. Polyak, Roxana.
Winnie Everitt, Shepherd.
Beatrice L. Paquette, Skellytown.
Nettie M. Farber, Sunset Heights.

HOUSE OF REPRESENTATIVES

FRIDAY, *December 7, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Father of love and Father of mercy, how unsearchable are Thy riches; and they are past finding out. The whole realm of truth reechoes with the praise of our God. We thank Thee for the glory of the morning and for the radiance with which the firmament is filled, but especially do we bless Thee that in the glory of that light we discern the presence of the Lord. We ask that we may ever have the spirit of reverence by which these wonders may be opened to our gaze. Thou Merciful One, to whom all power, space, and wisdom belongeth, possess our minds and hearts to-day, that our conduct may be ordered by purposes that are pure, by aspirations that are uplifting, and by acts that are just. Let Thy Holy Spirit, dear Lord, harmonize our very beings with the best conceptions of truth and duty. In Thy blessed name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MEETINGS OF THE COMMITTEE ON WAYS AND MEANS

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of a resolution which is at the Clerk's desk.

The SPEAKER. The gentleman from New York calls up a resolution, which the Clerk will report, and asks unanimous consent for its immediate consideration.

The Clerk read as follows:

House Resolution 252

Resolved, That the Committee on Ways and Means is authorized to sit during the sessions and recesses of the present Congress; to employ such expert, clerical, and stenographic services and to gather such information, through Government agents or otherwise, as to it may seem fit, in connection with the consideration and preparation of a bill or bills for the revision of the tariff act of 1922 and other customs laws; to purchase such books and to have such printing and binding done as it shall require, in addition to requiring the attendance of the committee stenographers; and to incur such other expenses as may be deemed necessary by the committee. All expenses of the committee incurred for any such purposes shall be paid out of the contingent fund of the House on the usual vouchers submitted by the chairman of the committee and approved by the Committee on Accounts.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

TREASURY AND POST OFFICE APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. SNELL in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

OFFICE OF THE SECRETARY

Salaries: Secretary of the Treasury, $15,000; Undersecretary of the Treasury, $10,000; three Assistant Secretaries of the Treasury, and other personal services in the District of Columbia, $146,275; in all, $171,275: *Provided*, That in expending appropriations or portions of appropriations contained in this act for the payment of personal services in the District of Columbia in accordance with the classification act of 1923, as amended (U. S. C., pp. 65–71, secs. 661–673, 45 Stat., pp. 776–785), the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year, and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the classification act of 1923, as amended, and is specifically authorized by other law.

Mr. LAGUARDIA. Mr. Chairman, I could not follow the reading of the bill by the Clerk, and I ask unanimous consent for permission to offer an amendment to the first section, just previous to line 9.

The CHAIRMAN. On what page?

Mr. LAGUARDIA. On pages 2 and 3.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 2, strike out all of lines 6 to 25, both inclusive, and on page 3 all of lines 1 to 8, inclusive.

Mr. LAGUARDIA. Mr. Chairman, this proviso is what is known as the average of salaries and it is a system that has brought about a great deal of confusion and has resulted in dissatisfaction among the employees in all of the departments of the Government.

The former distinguished chairman of the Committee on Appropriations, the lamented Mr. Madden, at whose feet I sat for many years to absorb some of his wisdom and knowledge of governmental finances, recommended the repeal of this proviso in appropriation bills. In fact, he predicated his recommendation on a bill which he introduced, H. R. 47, and which is now, I believe, pending before the committee. This general average system is so involved and complicated that it has brought stagnation into the departments and has literally blocked the putting into execution of any salary bill that Congress has passed.

Mr. CRAMTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CRAMTON. I would be interested to know under what circumstances Mr. Madden recommended the repeal of this proviso, which has been carried in every bill reported out under the chairmanship of Mr. Madden, and always with his approval, so far as I ever knew.

Mr. LAGUARDIA. Is the gentleman familiar with Mr. Madden's bill, H. R. 47?

Mr. CRAMTON. I am asking under what circumstances Mr. Madden ever recommended the repeal of this proviso, which was carried in every appropriation bill reported out by the committee under his chairmanship after the enactment of the classification law?

Mr. LAGUARDIA. If the gentleman is familiar with the bill which Mr. Madden introduced, H. R. 47, and his feeling toward this average proviso in recent years, I am sure it would make his question unnecessary. If the gentleman from Michigan can explain or give any sound, logical reason for this provision, perhaps it will assist not only Congress but it may assist in giving it intelligent interpretation. I believe it was put in during the war in the hope that it would keep down expenditures.

Mr. CRAMTON. It was not put in during the war at all. It was put in the first bill reported out by the Appropriations Committee after the classification act was enacted.

Mr. LAGUARDIA. Well, was it not put in for the purpose of trying out that classification act? Will the gentleman say this average proviso is necessary?

Mr. CRAMTON. It was put in for the purpose of retaining in the hands of Congress some control over the expenditure of funds under these salary rolls in order that it would not be possible for them to put everybody up at the top of the grade and give them an indiscriminate and wholesale salary raise.

Mr. LAGUARDIA. It has had exactly the contrary effect. It has permitted the placing of a few individuals in the higher grade and thereby keeping down all of the rest of the employees in the division.

Mr. CRAMTON. Oh, no.

Mr. LAGUARDIA. That is just what it does. It is not carrying out the original intent of Congress at all, and I am sure that anyone familiar with the subject will agree that it ought to be abolished, and the quicker it is abolished the better and easier will be the administration of the law and the more equitable and proper will be the expenditure of the money which Congress appropriates.

Mr. CLARKE. Will the gentleman from New York permit a question?

Mr. LAGUARDIA. Yes.

Mr. CLARKE. When was the bill H. R. 47 introduced?

Mr. LAGUARDIA. December 5, 1927.

Mr. CLARKE. By Mr. Madden?

Mr. LAGUARDIA. Yes; on the first day of the Congress, I believe.

Mr. CLARKE. And the purpose was to accomplish what the gentleman wants to accomplish by his amendment?

Mr. LAGUARDIA. Yes. Of course, I will say that if my amendment were adopted it would be necessary to enact the bill H. R. 47 at this session of Congress.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WOOD. Mr. Chairman, in order that there may be no misunderstanding about the purpose of this amendment, I desire to call the attention of the members of the committee to what happened when this classification act was first passed.

The first thing that was done was to advance all the bureau chiefs to the maximum, and if this amendment is adopted we will see everybody being advanced to the maximum instead of going through the grades as they should go through them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The amendment was rejected.

The Clerk read as follows:

BUREAU OF PROHIBITION

For expenses to enforce the provisions of the national prohibition act, as amended, and the act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914 (U. S. C., p. 742, sec. 211), as amended by the revenue act of 1918 (U. S. C., pp. 784–787, secs. 691–708), and the act entitled "An act to amend an act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909," as amended by the act of May 26, 1922 (U. S. C., pp. 635, 636, secs. 171–184), known as "the narcotic drugs import and export act," and for carrying out the applicable provisions of the act approved March 3, 1927 (U. S. C., Supp. I, p. 9, secs. 281–281e), including the employment of executive officers, attorneys, agents, inspectors, chemists, assistant chemists, supervisors, gaugers, storekeepers, storekeeper-gaugers, clerks, and messengers in the field and in the Bureau of Prohibition in the District of Columbia, to be appointed as authorized by law; the securing of evidence of violations of the acts; the cost of chemical analyses made by others than employees of the United States; the purchase of such supplies, equipment, mechanical devices, laboratory supplies, books, and such other expenditures as may be necessary in the District of Columbia and the several field offices; cost of seizure, storage, and disposition of any vehicle and team or automobile, boat, air, or water craft, or any other conveyance, seized pursuant to section 26, Title II, of the national prohibition act, when the proceeds of sale are insufficient therefor or where there is no sale; cost incurred by officers and employees of the Bureau of Prohibition in the seizure, storage, and disposition of property under the internal revenue laws when the same is disposed of under section 3460, Revised Statutes (U. S. C., p. 546, sec. 1193); hire, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary; and for rental of necessary quarters; in all, $13,500,000, of which

amount not to exceed $713,420 may be expended for personal services in the District of Columbia: *Provided*, That not to exceed $1,411,260 of the foregoing sum shall be expended for enforcement of the provisions of the said acts of December 17, 1914, and May 26, 1922, and the Secretary of the Treasury may authorize the use, by narcotic agents, of motor vehicles confiscated under the provisions of the act of March 3, 1925 (U. S. C., p. 858, sec. 43), and pay the maintenance, repair, and operation thereof from this allotment: *Provided further*, That no money herein appropriated for the enforcement of the national prohibition act, the customs laws, or internal revenue laws, shall be used to pay for storage in any private warehouse of intoxicating liquor, or other property in connection therewith seized pursuant to said acts and necessary to be stored, where there is available for that purpose space in a Government warehouse or other suitable Government property in the judicial district wherein such property was seized, or in an adjacent judicial district, and when such seized property is stored in an adjacent district the jurisdiction over such property in the district wherein it was seized shall not be affected thereby: *Provided further*, That for purpose of concentration, upon the initiation of the Commissioner of Prohibition and under regulations prescribed by him, distilled spirits may be removed from any internal-revenue bonded warehouse to any other such warehouse, and may be bottled in bond in any such warehouse before or after payment of the tax, and the commissioner shall prescribe the form and penal sums of bonds covering distilled spirits in internal-revenue bonded warehouses, and in transit between such warehouses: *Provided further*, That moneys expended from this appropriation for the purchase of narcotics and subsequently recovered shall be deposited in the Treasury to the credit of the appropriation for enforcement of narcotic and national prohibition acts current at the time of the deposit.

Mr. LAGUARDIA. Mr. Chairman, I first reserve a point of order to the proviso on page 21 and I would like to have that pending while I am offering an amendment.

The CHAIRMAN. The Chair thinks the gentleman would better make his point of order before offering his amendment.

Mr. LAGUARDIA. If the Chair pleases, I would like to hear some discussion on the point of order, and if this can be distinguished from the general fund I would be inclined to withdraw my point of order, and therefore in the interest of good legislation I would like to reserve the point of order.

The CHAIRMAN. If the gentleman is going to offer an amendment, the Chair thinks he should first make his point of order, because if the language should go out on a point of order the amendment would not be necessary.

Mr. LAGUARDIA. My amendment is not related to the point of order. It relates to language before this.

The CHAIRMAN. The general procedure is that a point of order should be disposed of first where it affects a paragraph of the bill.

Mr. LAGUARDIA. Then I make the point of order that the proviso on page 21 is legislation; that it is not authorized by any existing law and would create a very dangerous precedent.

Mr. WOOD. I will say to the gentleman from New York that I believe when I explain the purpose of this proviso the gentleman will withdraw his point of order. The committee had its choice of two propositions, either to appropriate directly $60,000 or to permit the use of this $60,000 in the manner prescribed by the proviso; namely, that the moneys expended for the purpose of narcotics and subsequently recovered instead of being deposited in the Treasury under miscellaneous receipts may be turned back to the appropriation of the Prohibition Unit for the enforcement of the narcotic law.

To my mind and to the mind of a majority of the committee this is the most businesslike way of handling this proposition and will possibly result in the saving of money to the Treasury.

In the event this proviso is not adopted an amendment will have to be put on the bill providing for the $60,000 included in the proviso, and with this proviso in the bill there is an incentive to recover this money which they would not have if we made a direct appropriation of the same amount of money.

The CHAIRMAN. Will the gentleman from Indiana answer the question of the gentleman from New York as to whether this is new legislation or whether this is a new direction with respect to the disposition of certain money?

Mr. WOOD. I would say to the Chair that it does change the law solely with reference to the disposition of this money.

The CHAIRMAN. That is the only point before the committee at the present time, that it does change existing law, which is the point of order made by the gentleman from New York. Does the gentleman insist upon his point of order?

Mr. LAGUARDIA. Yes; I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. BACON. Mr. Chairman, may I ask the gentleman from New York [Mr. LAGUARDIA] to withhold his insistence upon his point of order for just a moment, so that I may further explain the matter?

The CHAIRMAN. The Chair has already ruled on the point of order.

Mr. LAGUARDIA. Now, Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 19, line 25, after the word "Columbia," insert: "*Provided*, That the money herein appropriated for the enforcement of the provisions of the national prohibition act shall be proportionately expended in each of the several States of the Union, such proportion to be fixed by the Secretary of the Treasury, based on the population area of the several States."

Mr. WOOD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. LAGUARDIA. Mr. Chairman, I shall not take any time in the discussion of the point of order, because I shall have an opportunity to do that when it is pressed. This is a national law, as I pointed out yesterday, and should be enforced in all of the States of the Union. They should not single out the cities of New York, St. Louis, Chicago, and San Francisco—five or six points in the United States—for the sole purpose of making grandstand plays, building up cases which will not hold in the courts, for that is not an honest attempt to enforce the law.

Now, gentlemen, you can increase this appropriation as much as you like and I will vote for it. If none of the dry champions move to increase the appropriation, I shall do so; but in all fairness and honesty you should stand for an honest enforcement in your own State and not single out New York for the expenditure of the greater amount of this money. Try to enforce the law equally in all of the States.

My amendment provides that the Secretary of the Treasury shall take the population and area of each State as a basis and allocate a proportionate amount of the money for the purpose of enforcement in each of the 48 States. Surely no "dry" can take exception to that. My amendment will make for national enforcement and make the law applicable to all of the States of the Union. In order to show that I am in absolute good faith, that I am not doing this solely for the purpose of dissipating the appropriation, I will, as I say, vote for any increase in the appropriation that may be asked. I am convinced that the law can not be enforced, but if some of our people still believe in prohibition, let us try it out for a while at least. When so-called dry States, where its representatives vote for enforcement and pretend to be dry, get a taste of enforcement in your district you will soon realize and be forced to admit that a change in the present system of prohibition is necessary. You will soon see the necessity of placing under strict regulation all traffic in alcohol.

Mr. McKEOWN. Would it not be fairer to distribute the money according to the violations of law?

Mr. LAGUARDIA. If that were true, the gentleman's State would receive a greater proportion than would the State of New York. When it comes to violations of law, let me say that there is less liquor consumed in the State of New York than in any other part of the United States proportionate to the population.

Mr. McKEOWN. Oh, no.

Mr. LAGUARDIA. Also remember that a great many people of your State and other States come to New York and drink it up. [Laughter.] I care not what State you come from, one can go into your district and find all the liquor one wants, and every man on the floor of this House who wants to be fair must admit that that is the truth.

I am in earnest about this. Here is an opportunity for you to show that Congress means business. Here is an opportunity to transform this law into something national, and here is an opportunity for every dry champion to stand up and vote for enforcement in his own State. Let enforcement commence at home.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CRAMTON. Mr. Chairman, of course the amendment of the gentleman from New York is subject to a point of order, but I think the RECORD ought to carry a little comment on the amazing proposition offered by the gentleman from New York. His amendment, of course, would be disruptive of the effective use of the Federal funds. His amendment is based upon an entirely wrong theory of the problem of enforcement of prohibition in the country. It is based on the theory that the enforcement is the problem of the Federal Government alone, whereas the eighteenth amendment makes it very clear that the respon-

sibility resting upon the States is equal to the responsibility on the Federal Government. It is specifically provided that the States and the Congress have the authority to pass appropriate legislation for the enforcement of the amendment.

The State of New York, from which the gentleman comes, has repealed its only enforcement act. It has lain down on the job of enforcement. Furthermore, the city of New York, from which the gentleman comes, administering its affairs under the dictation of Tammany, also lays down on the job of enforcing this law. It is desirable for effective use of that money that it be distributed as needed, that it be used where most needed to carry out the Federal obligation. What is the Federal obligation?

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield.

Mr. CRAMTON. When I have finished. The Federal obligation primarily is to take care of those things of a Federal nature. For instance, to stop smuggling on the borders, and we have done that pretty well on the oceans through the increase of the Coast Guard; also, to stop the unlawful diversion of alcohol issued under permits for use in industry. Those are Federal problems, and the gentleman ignores all of those matters in his amendment. As a matter of fact, the gentleman from New York [Mr. LAGUARDIA], who protests that he is for enforcement, has offered an amendment that will hamstring enforcement.

I want to make this suggestion for the consideration of the gentleman from New York, and it is something that is worthy of the consideration of all you gentlemen from great cities. In making pets in the cities of the lawbreakers who violate the eighteenth amendment you have permitted them to multiply, to increase in number, to increase in financial resources, to organize, until there is coming upon the cities the curse of loss of life through gunmen and bandits and all of the racketeering, and so forth. All of those curses are coming upon the great cities of New York and Chicago and others and are the direct outgrowth of a policy of nonenforcement of the law against this one class of lawbreakers. In carrying out that policy you have brought about a general lawbreaking in your communities.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. If I have the time.

Mr. LAGUARDIA. Does the gentleman know that the city of Detroit, in the gentleman's State, is the funnel through which millions of gallons of liquor come into this country?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. And will the gentleman start enforcement in his own State?

Mr. CRAMTON. I will answer the gentleman. I do not want to cripple the Treasury Department so that the forces of enforcement can not be directed to the point on the border where there is need of money, and need of personnel. I want them to be able to use it, and not force them to send the money to some dry county in Oklahoma or in Kentucky.

Mr. LAGUARDIA. Then will the gentleman vote with me to give the Government sufficient funds to stop the leak in the city of Detroit?

Mr. CRAMTON. Anything the Federal Government needs, but I do not want the States and the cities relieved of their plain responsibility.

Mr. WOOD. Mr. Chairman, I insist upon the point of order.

Mr. SABATH. Will the gentleman not withhold it for a moment?

Mr. WOOD. No; we have had enough of this.

Mr. LAGUARDIA. What is the point of order.

Mr. WOOD. My point of order is that it changes existing law. The prohibition act provides and gives authority to the Secretary of the Treasury to enforce this law where enforcement is needed. If this amendment should prevail, it would take the discretion away from the Secretary of the Treasury, and instead of using his discretion and sending the money where it is most needed for the purpose of enforcement he will be compelled to send it where it may not be needed.

Mr. LAGUARDIA. Mr. Chairman, may I be heard upon the point of order?

The CHAIRMAN. Does the gentleman want further time on the point of order?

Mr. LAGUARDIA. Certainly. The Secretary of the Treasury is charged with the enforcement of the law in all of the States of the Union. The appropriation herein is for the purpose of enforcing the provisions of the national prohibition act, not the New York act or the Massachusetts act. There are plenty of precedents under the allocation of public funds for administrative and enforcement purposes. We have it in the matter of roads, and we have it in the matter of public buildings, and the statutes are replete with instances where appropriations are limited so as to compel expenditure in accordance with the population or the size of the various States. My amendment brings in no novel feature. It simply facilitates and puts a limitation upon the money herein appropriated to be expended by the Secretary of the Treasury under the provisions of the existing law.

Mr. WOOD. Mr. Chairman, I say in answer to the precedent which the gentleman has mentioned, public buildings and public roads, that the allocation provided there is found in the act creating the authority. It is not found in the appropriation bill.

Mr. LAGUARDIA. How about the corn borer?

Mr. WOOD. The same thing is true with reference to the corn borer. The prohibition act specifically provides that the enforcement of this act shall be lodged with the Secretary of the Treasury, and in consequence it would be a foolish thing to compel the Secretary of the Treasury to send this money into a State where perhaps a dollar of it would not be needed.

Mr. LAGUARDIA. It might be a good thing to send some of it to Indiana.

Mr. WOOD. I expect it might, but it would be far better to send most of it to New York.

Mr. LAGUARDIA. Of course, from the Indiana point of view. That is fine for you fellows.

Mr. WOOD. If all of the administrators of State governments had defied the prohibition act as New York has done, and if the governors of all the States had defied it as the Governor of the State of New York has done, we would have ten times more violation of law than we have to-day.

Mr. BLACK of New York. Will the gentleman yield? What has happened to the last two Governors of Indiana?

Mr. WOOD. Oh, our governors are getting along pretty well. They are all out now. [Laughter.]

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from New York states that the money used under the enforcement provision shall be expended in each of the several States of the Union, such proportion to be fixed by the Secretary of the Treasury based on the population and area of the several States. This amendment definitely takes away from the Secretary of the Treasury all discretion in enforcing the prohibition act and gives him definite instructions as to what he shall do and such instructions or duties that have not heretofore been authorized by law. There is no doubt in the mind of the Chair that this is new legislation on an appropriation bill and the point of order is sustained.

Mr. SABATH. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SABATH: On page 19, line 23, after the word "of," strike out the figures "$13,500,000" and insert in lieu thereof "$14,500,000."

Mr. SABATH. Mr. Chairman and gentlemen, as you observe, I am not trying to reduce the appropriation; I am trying to increase it, and I hope that the increase, if that amount will be agreed to, will be utilized as requested and advocated by the gentleman from New York notwithstanding the objection and opposition of the gentleman from Michigan [Mr. CRAMTON]. For several years I have been listening nearly every week to the gentleman from Michigan upon violations of the prohibition law, and if there is one State in which there is a larger number of violations than his State I would like to know. Invariably he starts referring to the State of New York or city of New York and pays his compliments to the city of Chicago. The trouble with the gentleman is that he does not realize that most of these violations are due to the fact that nearly ninety times as much alcohol such as he has been advocating and pleading for here yesterday is being used to-day than before prohibition days.

In those days we used about 1,000,000 gallons of alcohol for manufacturing purposes, and the report shows that last year 90,000,000 gallons of alcohol was withdrawn for manufacturing purposes. Now, have our industries increased ninety times in the last few years? They might have increased some, but the use of alcohol since prohibition has increased ninety times. What is this alcohol being used for? I know that most of that alcohol is being used for the manufacture of beverages, and those gentlemen who have succeeded in convincing the gentleman from Michigan that it is absolutely necessary to have this alcohol I am sure have failed to prove to him for what purposes all this alcohol is being used. I know that most of the violations are due to the unusual withdrawal of alcohol that is being used after it is poisoned by the Government or under Government instruction by people to manufacture all kinds of concoctions for beverage purposes. So I say to him that notwithstanding the publicity which Chicago has been receiving at his hands that there are less violations in the city of Chicago, notwithstanding the Republican administration that

we have, than in the outlying districts and in the towns and in the counties, not only adjoining but all over the State, and that applies all through the United States. Now, I have traveled quite a bit, and I know that there is no enforcement of the prohibition laws in the small towns, in the villages through the country. In any place I would stop, whether it would be in my own State or in the State of Michigan or any State in the West or South, I could obtain all the beverages and all the drinks I could possibly wish for. During these visits I made inquiries as to enforcement, and invariably I would be informed that the prohibition law is being looked upon as a joke. Yes; here and there we hear about indictments.

For instance, in McHenry County, which is about a hundred miles from the city of Chicago, some time ago there were about 27 people indicted, but that is the only effort made that I know of in our State outside of Chicago, and I feel when and if placed on trial that the jury will find them not guilty. That grand jury in every county in my State and every other State if so inclined and desired could secure enough information to indict a majority of the people of their respective counties, but they do not do so, because they recognize that a trial jury will not convict.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. May I have five additional minutes? I have not taken up much time.

The CHAIRMAN. Is there objection?

Mr. TARVER. I object, Mr. Chairman.

Mr. LAGUARDIA. Mr. Chairman, I make the point of order the objection is not properly made, inasmuch as the gentleman did not rise to his feet and make the objection.

Mr. TARVER. I have risen, and I object.

Mr. LAGUARDIA. That is the way to do it.

Mr. LUCE. Mr. Chairman, I desire to rise in opposition to the amendment chiefly to correct the RECORD in the matter of a statement made yesterday by the gentleman from Missouri [Mr. LOZIER] which appears on page 193 of the RECORD of this morning.

He then said that the great State of Massachusetts—and I do not demur to the use of that adjective "great"—had never enacted a State enforcement law. On the contrary, what we know familiarly as the "baby Volstead Act," unless my memory is wrong, was adopted by a referendum. We do have an enforcement law in Massachusetts; and, apropos of what the gentleman who has taken his seat [Mr. SABATH] has said, I would inform him that there are many communities in my part of the country where the prohibition law is enforced just exactly as well as it was enforced when the same places voted "No" under local option. The gentleman from Missouri is wrong in his information, and the gentleman from Illinois is wrong in his observation.

Mr. LOZIER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. LOZIER. Mr. Chairman and gentlemen, my distinguished friend from Massachusetts [Mr. LUCE] has called attention to what he claims is a misstatement made by me yesterday in debate, to the effect that the State of Massachusetts had never adopted a State enforcement law.

My colleague from Massachusetts stated that his State by a referendum adopted a prohibition enforcement provision. The gentleman is a distinguished citizen of Massachusetts and of course is prepared to speak with authority and I accept his statement. However, I am quite confident the State of Massachusetts was very tardy in enacting laws to supplement and aid in the enforcement of the eighteenth amendment and the Volstead Act. I recall having found in one of the cyclopedias published in 1925 a statement as follows:

> Connecticut and Rhode Island are the only States which have not ratified the prohibition (eighteenth) amendment. Massachusetts and Maryland are the only States which have not enacted codes to enforce national prohibition concurrently with the Volstead law.

Within the last few months I read an article in one of our periodicals which discussed the extent to which the several States had enacted State enforcement laws in aid of the eighteenth amendment and the prohibition enforcement act, and in which article reference was made to a note accompanying the opinion of Justice Brandeis in the case of Jacob Ruppert *v.* Caffey (251 U. S. 264), in which note the statutes of the several States in reference to intoxicating liquor were collated, and at that time the laws of Massachusetts defined intoxicating liquor as any beverage which contains more than 1 per cent of alcohol by volume, and certain other liquors were deemed intoxicating without regard to alcoholic content. I realize that this note was prepared shortly after the Federal enforcement act went into effect, but it seems that the Legislature of Massachusetts for years failed to pass a State enforcement statute, and finally the people of Massachusetts had to invoke a state-wide referendum to secure a State enforcement act. The statement I made yesterday in debate was based on articles in a standard periodical and cyclopedia of well-recognized authority, and was no doubt correct when these publications were issued, but I understand from my colleague from Massachusetts, that in comparatively recent years enforcement acts were adopted in Massachusetts by the direct vote of the people in a state-wide referendum, and not by the Legislature of the State of Massachusetts. I am glad to modify my statement of yesterday as I have just indicated. I am glad the people of Massachusetts finally enacted this legislation, although it would seem that they took this action with extreme reluctance.

But I want to emphasize the argument I made yesterday to the effect that our Federal Government had shamefully and shamelessly failed to enforce prohibition and, in fact, made no worthwhile effort to enforce this provision of the Constitution. As one who, in an humble yet earnest way, helped to create and crystalize the sentiment that resulted in the adoption of the eighteenth amendment, and as a consistent and lifelong advocate of prohibition, I wish to assert what is an obvious fact that in the last seven years no honest, aggressive, sincere, wholehearted effort has been made by the Federal Government to enforce the provisions of the eighteenth amendment and acts of Congress in support of this constitutional provision.

On the other hand, probably more than three-fourths of all prosecutions initiated in the United States in the last seven years for the violation of liquor laws have been initiated and prosecuted by local, State, and county officers, under State statutes, and not initiated or carried to a consummation by Federal enforcement officers under the eighteenth amendment or under the Volstead Act.

The time has come for the National Government to discharge the responsibility which it assumed when the American people committed to it the enforcement of the eighteenth amendment of the Constitution. That law has never had a fair trial. Its pretended enforcement has never been in friendly hands. Its pretended enforcement has been so half-hearted, sporadic, insincere, and inefficient that prohibition has in reality not had a fair trial in the United States. Mr. Hoover was probably justified in saying that prohibition was "an experiment," because those in charge of our great Government had been faithless in its enforcement. If the Harding and Coolidge administrations had given us efficient enforcement, many of us believe prohibition would not be "an experiment," but an established fact. By allowing the Constitution to be flouted and ignored, these administrations have done the cause of prohibition irreparable injury, and until the Federal Government is as industrious, efficient, and aggressive in enforcing national prohibition as the various States in the Union have been in enforcing State prohibition laws, national prohibition will never have a fair test or a real trial; and with such half-hearted, insincere, and inefficient enforcement as we are getting from the Federal Government, national prohibition will be a serious disappointment to its friends and ultimately a failure. The men appointed to enforce national prohibition have in a majority of cases been unfriendly to prohibition and have made no honest effort to enforce it, although I concede that a small minority of the enforcement officers and agents have honestly tried to efficiently enforce the law. My colleagues certainly remember that President Harding, in one of his messages to Congress, denounced prohibition enforcement as a national scandal.

I appeal to the dry forces of this Nation to place criticism and blame where criticism and blame are due, namely, upon the national administration, which under our form of government is charged with the solemn responsibility of enforcing all laws and which has stood for seven and a half years with folded arms and looked with complacency upon the flouting of this law and the trampling under foot of these constitutional mandates.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. LAGUARDIA. But the gentleman did not take that attitude yesterday.

Mr. LOZIER. Yes; I did.

Mr. LAGUARDIA. Not in his speech.

Mr. LOZIER. Oh, yes, I did; most emphatically.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. COCHRAN of Missouri. Is it not true that Federal prohibition agents assigned to Missouri never visit the gentleman's congressional district?

Mr LOZIER. That is largely true. Federal enforcement officers seldom visit the eight counties in my district, where

99 per cent of prohibition enforcements is under State laws, by local, county, and State officials, in State courts. Out of 114 counties in Missouri, the presence of a Federal enforcement officer in 110 of them is a rare occurrence. Federal enforcement officers seldom visit the rural districts of Missouri, or the rural districts of Michigan, or the rural districts of Pennsylvania or Kansas, or the rural sections of other States. Their activities in Missouri are confined almost exclusively to St. Louis, Kansas City, St. Joseph, and a few smaller cities.

And throughout the Nation their activities are largely confined to the great cities of New York, Philadelphia, Boston, Chicago, Cincinnati, and other great centers of population, and they seldom visit the rural districts of any of the States, and practically all the enforcement of liquor laws we get in the rural districts of America is from the local, county, and State officers operating under State laws in State courts. The time has come for the dry forces of America to point their finger at the distinguished and well-meaning gentleman who occupies the White House and, in the language of the prophet, Nathan, say, "Thou art the man" on whom rests the responsibility for the nonenforcement of national prohibition. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired. The question is on the amendment offered by the gentleman from Illinois.

Mr. SABATH. Mr. Chairman, may the Clerk again report the amendment?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk again reported the amendment.

Mr. WOOD. Mr. Chairman, all I wish to say in answer to the argument made by the gentleman from Illinois—and he did not say anything about his amendment—is to beware of Greeks bearing gifts.

Mr. SABATH. Mr. Chairman, I have voted for every appropriation that the gentleman's committee—— [Cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. BLACK of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. BLACK of New York:

"Page 18, line 9, after the word 'of,' strike out all down to the words 'the act' in line 10.

"Page 18, line 24, after the word 'act,' strike out all down to the words 'the securing' in line 6, page 19.

"Page 19, line 12, after the semicolon, strike out all down to the words 'hire' in line 20."

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee: I have always had a great deal of respect for the shrewdness of the gentleman from Michigan, and I never could understand why he always was so highly excited on this prohibition question, because to me he always seemed a most practical gentleman, too practical to be a fanatic on anything, when lo and behold, I read the hearings on this bill and I found that his State, the State of Michigan, is the spray of the United States, and here he stands on the floor of the House with his right hand not knowing what his left hand is doing. With his right hand he introduces poison into domestic alcohol and with his left hand he says to the leading city of his State, Detroit, go to it. In other words, he has created by the infusion of poison into alcohol a poison tariff for the protection of Michigan's leading industry, the importation of Canadian alcohol into the United States.

The hearings on this bill indicate that Detroit is the great offender of the United States. It is the great threshold of alcoholic sensation in the United States, and it is in his State, the State of the gentleman from Michigan, Mr. CRAMTON.

Now, on the State of New York Doctor Doran testifies that he has had a great deal of help from the State troopers. Well, I do not give the State troopers anything for that myself. He has had a great deal of help, he said, from the New York City police in minor cases, and then he says, "It is no use bringing any more cases into court, because we have not enough courts to try the cases."

Let us look the facts in the face. It is quite evident on this prohibition question that we have reached a stalemate. The drys will not stop hoping and the wets will not stop drinking.

The United States is now spending about $30,000,000 a year to please the drys and to make liquor more expensive for the wets. This money is of little effect in enforcement and amounts to an indirect subsidy to bootleggers.

The Volstead Act, according to Doctor Doran, is the law that made Detroit famous. [Laughter.]

Doctor Doran testified that for Federal enforcement we should need $300,000,000 a year and Federal police courts. I suggest to the drys that they back him up on this, unless they would be called nullificationists.

President Coolidge, by Executive order, tried to make village, city, and State police Federal agents, and there was such a protest over this that he dropped his Executive order like a hot flapjack.

It seems to me we must spend one-half a billion dollars a year on enforcement or make the eighteenth amendment a dead letter. Considering the loss of revenue, this would make prohibition cost over a billion dollars a year and would be entirely too extravagant an outlay to enthrone fanaticism in the land of the free.

There is no use appropriating $30,000,000. That is just so much waste. Doran says the courts can not handle any more cases. I believe that instead of devoting to prohibition the money in this bill for that work that we should switch this money to enforce the laws against narcotics. There is unanimity of opinion in this country on the narcotic question, and the money used in that way would not be wasted.

The gentleman from New York [Mr. LAGUARDIA] succeeded in his point of order against establishing a revolving fund for antinarcotic work. It seems now that the narcotic bureau can not function because it has not money for evidence. It was clearly the purpose of the committee by the legislation in this provision to help the narcotic bureau. The gentleman from New York [Mr. LAGUARDIA] was within his rights, I think, in making his point of order.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLACK of New York. Surely.

Mr. LAGUARDIA. My point of order was simply that the money recovered should go into the general fund of the Treasury in accordance with law, and not permit any bureau to build up its own fund.

Mr. BLACK of New York. I understand perfectly the position of the gentleman from New York; but because of the way this has been presented, and because of his insistence on observing the rules of the House, unless this appropriation is increased——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLACK of New York. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLACK of New York. Unless this appropriation for narcotic enforcement is increased the narcotic bureau is going to be hampered.

My amendment takes all the money away from prohibition and sends it into narcotic enforcement, and I believe, and I honestly believe, that this should be done. There is no question at all about how we feel in this country about narcotic enforcement. There is a sharp division on the question of prohibition enforcement. There is a confession on the part of the drys that prohibition can not be enforced. There is a statement in the record here that if they had the money the Narcotic Bureau could function 100 per cent, and I propose that we give the money to them.

The position of the gentleman from Michigan this morning, the position of Doctor Doran, indicates that there has been a retreat on the part of the drys. Now, let us end the farce. Let us get down to business, let us stop the nonsense, let us stop the waste, and let us put this money where it can do something in the interest of the American people and have the American public opinion back of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BLACK].

The amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 19, line 23, strike out the figures "$13,500,000" and insert in lieu thereof "$250,000,000."

Mr. LAGUARDIA. Mr. Chairman, this amendment is not subject to a point of order and is not a pro forma amendment, neither do I claim any originality nor do I claim any pride of authorship for it.

This is less than the amount suggested by the Director of Prohibition, Doctor Doran, in the hearings before the Committee on Appropriations if the National Government is to make a real, honest effort with respect to enforcement and the police duties incidental thereto.

Mr. O'CONNELL. Will the gentleman yield?

Mr. LAGUARDIA. In a moment. Neither is the amendment hastily submitted, because when this amendment is adopted, if the sincere drys of the House will vote to agree to it, it must be followed in the appropriations for the Department of Justice by appropriations for at least 100 more judges, for at least fifteen hundred more assistant district attorneys, for at least 3,000 additional deputy marshals.

Now, gentlemen, we were all impressed by the splendid, sincere statement made by the gentleman from Arkansas [Mr. WINGO]. If all drys were to take that attitude, there would be no trouble in going through with this experiment, and then if it was found to be a failure, getting together on what is the best thing to do. The present condition of partial enforcement in a few spots, while the greater part of the country has no Federal enforcement is manifestly unfair, discriminatory, and has proved to be a complete failure.

If prohibition is to be tested, let it be tried effectively all over the United States, and it will take over $250,000,000 to commence an attempt at enforcement.

As pointed out by my colleague from New York [Mr. BLACK], the dry champions get unduly excited when the failure to enforce is shown up, and every year we go through the same performance in the consideration of this appropriation. I submit that never in the history of the whole world has it been witnessed that the sponsors, the champions of a principle of law will run away from it, and that is exactly what you are doing. If you stop to consider the habits of the people, if you stop to consider the existing conditions, if you stop to consider the conditions on the border line of Canada and the Mexican border, if you consider the size of the country and the fact that we have a population of 120,000,000 people, you must necessarily have to admit that an appropriation of only $13,500,000 to enforce the law is not only ridiculous but a legislative evasion of the law.

Now, champions of the drys, here is an opportunity to stand up and be counted, or else forever refrain from taking a drink. [Laughter.] If you are going to be for enforcement, stand up and vote for the necessary funds to employ the men required to stop the flood of liquor coming over the borders, from the Pacific coast, from the Atlantic coast, and send prohibition agents into such regions as the gentleman from Missouri says exists in his State, where there are only four counties that have prohibition agents, and send an army into the city of Detroit, the Nation's funnel, where millions of gallons pour in from across the border.

Mr. O'CONNELL. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. O'CONNELL. Does the gentleman think that $250,000,000 would enforce the law?

Mr. LAGUARDIA. No; but it will demonstrate to the American people that the law can not be enforced, that it is impossible to enforce it. Prohibition can not be brought about by legislation until fermentation can be stopped by an act of Congress.

Mr. O'CONNELL. And change the habits of the people.

Mr. LAGUARDIA. Yes; and wipe out the hypocrisy of the prohibitionists.

Mr. GREEN. Mr. Chairman, I rise merely to call upon my Republican colleagues to keep faith with the American people on prohitition. When we reflect on the submission of this question to our people recently, and see their acclaim for prohibition, then we turn over another page and see the personnel that has the enforcement of prohibition in charge—I refer to the Secretary of the Treasury—it seems to me that on one side you have the vice and on the other side the virtue. What I would like to see my Republican colleagues do is to clean out, if there exists bribery and graft in this department, to clean it out. If you have wet men undertaking to enforce the dry law you are not keeping faith with the American people. When your next President undertakes to appoint the Secretary of the Treasury to enforce prohibition, make it so imperative that he will appoint a dry man to do it.

If you have had, as the newspapers say you have in the past, an enforcement administrator who says that the enforcement would be helped by a law to allow the sale of wine and beer, I say that no such individual should represent the law enforcement of this Nation. You can not enforce dry laws with wet men. If you wanted to get a sheriff for your county you would not go to the penitentiary. If you wanted a constable for your precinct you would not go to the penitentiary. If you want the dry law enforced you need not expect wet people to enforce it. What I would like you to do is to bear in mind three-fourths to four-fifths of the people of this country are dry, not only by abstaining from the use of intoxicants as beverages but dry by law and dry by conscience.

I deny the statement that a large majority of the Members of Congress vote dry and drink wet. I deny the statement that a large majority of the people of the various States vote dry and drink wet. My friends, that is no more true with reference to prohibition laws than is the case with reference to other laws of our land.

I believe that a majority of our American people are law-abiding. I believe that they think that laws should be enforced. I believe that our people are a moral people; that they are conscientious and are religious. I believe they are tired of mockery if same has existed heretofore in the enforcement of our prohibition laws. It is a part of the law of the land, the same as our other laws; and you fail to keep faith with your constituents, my friends on the Republican side, when you fail to see to it that individuals are placed in high positions who will enforce the prohibition laws. I call upon you as representatives of the party in power to see to it that these things are brought about. The dry forces of the Nation demand and expect rigid enforcement.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SABATH. Mr. Chairman, I introduced my amendment for the purpose of increasing the appropriation, realizing that the prohibition law is not being enforced, as has been stated by the gentleman from Missouri, in most parts of the United States. The prohibitionists on this floor whenever they wish to attack, select the city of New York or the city of Chicago, and fail to pay attention or call the country's attention to the violations throughout the entire United States. You can pick out any newspaper from any section of the country outside of Chicago or New York and you will find in every issue notice of violations in these respective sections of the country. I believe that the department should have all of the money that it requests. Notwithstanding the statement of the gentleman from Indiana [Mr. WOOD], I say that I have voted for every appropriation during the last seven years to give the department a chance to enforce the law, feeling, as the gentleman from New York [Mr. LAGUARDIA] and others do, that it is impossible to bring about a real enforcement of the law. Many of you are under the impression that it has not had a fair chance. I am willing that it should have an additional two years, and I am willing to vote an additional $10,000,000, $25,000,000, or even $50,000,000. I would like to see the law enforced to the same extent in small towns and in the country sections as it is enforced in the large cities such as New York and Chicago. I think it is manifestly unfair to the people residing in large cities to make the public believe that violations are being committed only in the large cities, when it is a fact that can not be truthfully denied that there is just as much violation going on in every hamlet of the United States in proportion to population as there is in the cities of Chicago, New York, or Detroit.

You can visit any small town or small city and within a few minutes you are invited to have a drink. You can have all of the drinks that you want, and you can not attend a luncheon or a dinner, whether it is by this organization or that society or club, without your first being asked to join in a drink or two. We must concede that prohibition is not being enforced, that it can not be enforced, but in view of the conditions, I am willing, and I pledge myself to vote for any appropriation that any gentleman feels we should have to bring about the real, honest enforcement of the law. I know what the result will be. The moment we start to enforce the law in the State of Michigan or in the State of Ohio or in Pennsylvania or in the South or along the coast, as it should be enforced, or as some of these gentlemen advocate, that very moment the people will rise up in arms and demand a modification or a repeal of this law which has done more harm to the American people than any other law ever enacted by the Congress.

Mr. SABATH. Mr. Chairman, in accordance with the unanimous consent and leave granted me I herewith insert the following editorial from the Chicago Tribune of December 6 on that question, which I feel might be of interest to the prohibitionists:

Mrs. Mabel Willebrandt, the firebrand of the Attorney General's office, in charge of prohibition enforcement, wrote the section of the annual report of that office relating to this enforcement. She gives the figures of export from Canada to the United States as obtained from the Canadian Department of Trade and Commerce. This admit-

tedly is not the total of liquor shipped into the United States. Much of it is not declared in the customs. In 1925 the declared trade amounted to 665,000 gallons. Last year it was 1,169,000 gallons.

In the attempts at enforcement of Volstead to stop this import of illegal intoxicants the Government employs reckless and lawless coast guards and agents from the Prohibition Unit. They kill citizens, innocent or not, and shoot up boats. They have made life unsafe along the border. They have been encouraged by the Government to disregard all normal considerations of prudence, discretion, and ordinary humanity.

In spite of this, in spite of the brutality of enforcement, and probably because of the corruption of it, the trade in contraband beverages increases by great leaps from year to year.

Prohibitionists have been allowed to write their own ticket as to the methods of enforcement. They have been allowed virtually to select the chiefs in charge of it. Congress responds to their demands by giving appropriations in the sums asked. It has cost $300,000,000. The consequences are as reported by Mrs. Willebrandt.

Enforcement becomes more expensive, more brutalized, and less able to control the traffic. As the agents become more lawless, as the punishment becomes more severe when there is punishment, and as Congress appropriates more money, more liquor comes in and is consumed by the American people.

Each year proves that this is a disastrous and not a noble experiment. It does not have that consent of the people which law in a democracy requires. What does the country propose to do about it? Continue to become more savage in futile efforts to fasten the will of some citizens on the lives of others? Or repeal the Volstead Act and return to sanity and moderation in government?

We know what the prohibition zealots want. It is more savagery. They are as fanatical people have always been. As resistance to them becomes more stubborn they become more frantic in their search for repressive measures of greater cruelty. This is illustrated in Michigan, which has a law sending liquor law violators to the penitentiary for life under a habitual criminal act. Two men have been so sentenced and now a woman faces that possibility in court.

The zealots want more and longer prison sentences. More shooting by the Coast Guard. More boats sunk on the suspicion that they might be carrying liquor. More victims added to the 200 already shot. By such procedure the Government of the United States will be still further brutalized and corrupted. Its people will become more resentful, violent, and lawless. And more liquor will be brought in and used, law will fall further in the esteem of the citizens and the sorry spectacle of a Nation guided by unreason will continue.

As a footnote to the record there may be added that prohibitionists in Virginia have asked that special agents be assigned to the University of Virginia, the school founded by Thomas Jefferson to promote ideas of individual liberty, to restrain the students, regulate their habits, and keep them away from the bootleggers, possibly a small irony, but a stinging one.

As a dominant clique goes to its downfall it becomes more hysterical in its attempts at repression, just as the New England clericals did, just as the old federalist aristocrats did, and just as the slave traders did.

Repeal the Volstead Act. It is the cause of national demoralization and the enemy of sobriety of thought and habit in American life.

Mr. WOOD. Mr. Chairman, I move that all debate upon this amendment do now close.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment.

The amendment was rejected.

Mr. PALMISANO. Mr. Chairman, I move to strike out the paragraph. In the last Congress on several occasions I spoke on this question. In my remarks I asked this House to investigate the conditions under the prohibition administrator in Maryland. I find that in the hearings Doctor Doran says that he gets no cooperation from Maryland, and that Maryland, and Baltimore city, in particular, is more or less an outlaw. In Baltimore city, although we do not enforce the eighteenth amendment by the police department, yet we do not have the condition that exists to-day in Chicago and in Pennsylvania, where the police enforce the Volstead Act. We do not want that sort of thing in Maryland, and that is one reason why we do not have the enforcement of that law by the police department of the city of Baltimore. In Baltimore city whenever a police officer is indicted for committing a crime, whether it is a misdemeanor or a felony, he is suspended immediately, pending the trial of that charge.

Under the prohibition administrator when a man in his department is charged with murder, that man is continued in office and may go on in his effort to enforce the Volstead Act. In the State of Maryland when a man is indicted and sentenced to the Maryland penitentiary for robbery he is not permitted to go free, armed, about the streets, but under the Federal Government that man is permitted to put into his pocket a blackjack and a gun in order that he may proceed in continuing his robbery and to enforce the Volstead Act. That is the reason that we in Maryland can not tolerate this law. In the last Congress I offered an amendment to eliminate from the benefit of the appropriation all men in the department who have been convicted of a felony or who have been indicted for a crime or a felony, and where were the dry Members then, and where was Doctor Doran and his friends? Where were the dry Members at that time? Not a one voted for it, and unless, Mr. Chairman and members of the committee, you eliminate the criminals in that department you can not ask the American people to have respect for the law. During the campaign I was attacked on my maiden speech in this House because I suggested, and I say it now, if the Members of this House are sincere—the dry Members, I am speaking of—if you are sincere, put an amendment to the law that any man who represents the Government in a judicial capacity and who is convicted of violating the eighteenth amendment or acquiesced in a violation of that law, be impeached—and I say that applies also in the rooms of an embassy—I proposed at that time that every Member of Congress, every district attorney, and every judge who is convicted of a violation of the law or acquiesces in a violation of the law, shall be impeached and for 10 years thereafter shall hold no office under the Federal Government.

I say, Mr. Chairman, that is the proposition which Congress ought to consider, because the working-class people consider that the Volstead Act was enacted to prevent them from obtaining a drink as the rich are able under the present law to obtain any liquor that they were able to obtain prior to the eighteenth amendment and the Volstead Act, and that accounts for the lack of respect for a law which is considered by a vast number of the American people to be class legislation.

Mr. LAGUARDIA. Mr. Chairman, I have two amendments to offer, and because I have taken a good deal of time, I shall only take five minutes on them.

The CHAIRMAN. The question is on striking out——

Mr. PALMISANO. Mr. Chairman, I ask unanimous consent to withdraw it.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment. Page 19, line 23, I move to strike out the figures $13,500,000 and insert in lieu thereof the figures $13,600,000.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Amendment by Mr. LAGUARDIA: Page 19, line 23, strike out "$13,500,000" and insert "$13,600,000."

Mr. LAGUARDIA. Mr. Chairman, my purpose in offering this amendment is to provide the fund which the chairman says may be necessary by reason of the proviso which was stricken out on the point of order. I do not want in any way to impair the enforcement of the narcotic law, but I do not want to establish the vicious precedent of having revolving and special funds, and that is the reason I pressed my point of order.

Mr. WOOD. Mr. Chairman, I hope this amendment will not prevail for this reason. In all probability, the proviso stricken out by the gentleman from New York will be inserted on the other side. If the amendment prevails which is now offered by the gentleman from New York, we will not only have an additional $100,000 but we will also have the proviso stricken out also in the bill, so we have not got what the committee desires they should get but will have $100,000 in addition.

Mr. LAGUARDIA. I think in orderly legislation, we can not anticipate what another body will do, especially when something is written in an appropriation bill which is clearly improperly there, and I think the prudent and unwise thing to do is to provide this additional fund so that a proper enforcement of the narcotic law can be carried on. Surely, I do not want the responsibility to rest on my shoulders.

Mr. WOOD. If that is the case, the gentleman ought to have withdrawn the point of order.

Mr. LAGUARDIA. No; but we have the law and rules of the House which must be followed, and there is not a Member in this House who approves of a situation where separate funds are created in various departments of the Government to be used without the usual and proper check up. Now, here is an opportunity to provide the funds for the very purpose suggested by the gentleman in his provisio, which was clearly improperly in the bill. I am not going to permit any undercover system to be reestablished, no matter how carefully it may be camouflaged. My amendment provides the fund for doing the work lawfully.

Mr. BLACK of New York. Mr. Chairman, I would like to be heard on the amendment. I hope Members will understand

what is about to be done in the amendment. This is a very serious proposition. The record is replete that the Narcotic Bureau can not function in the detecting of the big narcotic criminals; that they can not break up the big conspiracies to sell narcotics because they are hampered by a lack of funds. There is no more serious crime committed in the country than the illegal distribution of narcotics, and the gentleman from New York [Mr. LAGUARDIA] has very wisely and in the most orderly fashion offered an amendment to provide the Narcotic Bureau with adequate funds. I wonder if this House at this time is going to think more of throwing away money on prohibition enforcement than of providing sufficient money for the Narcotic Bureau.

Mr. BYRNS. Mr. Chairman, will the gentleman yield?

Mr. BLACK of New York. I yield to the gentleman.

Mr. BYRNS. I certainly agree with the gentleman as to the importance of the enforcement of the narcotic law. The Committee on Appropriations is inserting an item in this bill which was requested by the Prohibition Department and the gentlemen in charge of the narcotic law, an item which they said would give them additional funds for its enforcement. That provision is inserted at their request. I do not think it lies within the powers of the gentleman, after striking it out on a point of order, even if it is justified under the rules of the House, to then get up and say we want to increase this appropriation.

Mr. LAGUARDIA. If money is required, it goes into the general fund, and the money is lost by striking out the proviso. The gentleman himself has on many occasions taken exception to this suggested proviso; he has done it on other occasions.

Mr. BYRNS. The gentleman knows that when it goes into the general fund it must be reappropriated. Here was a proposition to throw it into the narcotic board, where he claimed they could enforce this law to a better and greater extent than before. Of course, it was entirely within his rights to strike it out.

Mr. BLACK of New York. Mr. Chairman, the situation is plain. No matter how you feel about that point of order, if this bill passes without the LaGuardia amendment the Narcotic Bureau will be hampered. We are not giving them proper funds, adequate funds, to enable them to function. The duty of this House is to provide proper funds for the Narcotic Bureau. It is idle to wait on the Senate. We waited for the Senate to act on a deficiency bill for a year, and then nothing happened. It is up to us to say whether or not this Congress wants to enforce the provisions of the narcotic act. It is the usual way of providing legislation of this kind.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. LAGUARDIA. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded. The question is on agreeing to the amendment.

The question was again taken, and there were—ayes 4, noes 27.

So the amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from New York offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 19, line 25, after the word "Columbia," insert: *"Provided,* That none of the money herein appropriated shall be used for the payment of services, transportation, or disbursements to persons not in the employ of the United States Government."

Mr. LAGUARDIA. Mr. Chairman, the House will recall that two or three years ago this country was shocked at the system then in vogue and in practice in the Prohibition Department in their so-called "under-cover" system of engaging irresponsible people to go out and entrap persons into the violation of the law. That system was stopped on a point of order which I made on a proviso in the appropriation bill which permitted the use of public lands for such purposes.

As I informed the House yesterday a bill was introduced at the time to legalize the spy—under-cover—system and went before the Committee on Ways and Means. When that committee went into the question they refused to report out the bill. Now, under the practice in the department, agents are encouraged to use their wives as decoys; and we have had instances, as I learned from testimony given in the Federal courts, where agents in distant cities were ordered to incur transportation and expenses for their wives, which expenses were paid out of this fund, and the wives were used as decoys to induce persons to violate the law in an attempt to make a case of conspiracy.

Now the appropriation you have is so small that you can not afford to expend any funds in such joy rides and orgies as agents and their wives have indulged in during the past year. The law is specific on the point and provides that no service shall be accepted by any person not employed by the United States.

The persons employed as decoys under the present system are not responsible to anyone. They are not sworn officers of the law. They are hired for the job and given public funds to squander. They are simply hired mediums to send out and encourage the violation of the law, and they have been spending large amounts of money which deplete to a large extent the appropriation long before the fiscal year is over.

Now again I appeal to the chairman of this subcommittee that if he is really anxious to carry out the suggestion made by the Director of Prohibition in the hearings had before his own committee, the time is ripe now to prevent such things as took place not many months ago in the city of New York, by the adoption of my amendment.

It is simply disgraceful for Government agents to go out and be able to employ their own wives or other irresponsible people and send them into hotels and give them public funds to buy liquor and expect any jury to believe the testimony of such people. Mr. Chairman, every case that has gone to a jury, where evidence was obtained under the conditions I have now related, has been thrown out; and not one single, solitary conviction has been obtained.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WOOD. Mr. Chairman, I move that all debate upon this amendment and on the paragraph close in five minutes.

The motion was agreed to.

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, I want to make an observation with reference to the standing vote on the LaGuardia amendment to enforce the narcotic law which, I hope, will be taken in good part by the House. It was no surprise to me that those who voted to enforce the narcotic law were largely the well-known wets of the House while those who voted against the enforcement of the narcotic law were largely the drys of the House.

In commenting on this amendment, let me call your attention to the fact that there is nothing in the Constitution of the United States which permits a Federal officer to buy orchids for Texas Guinan. We in New York realize that Texas Guinan has done a great deal to make New York celebrated as well as the United States, but there is no reason in the world why prohibition agents should use Federal funds to decorate the lady with the latest in orchids. It took them a long, long while to get evidence against the comfortable night clubs of New York. They can get it in a little while against a little speak-easy, but they had to play around a little bit in the night clubs in order to get evidence.

Now, the gentleman from Michigan criticizes the New York State officials. What about the Federal officials in New York? What about the Federal prohibition administrator? Why do they have to bring orchid-buying agents from outside the jurisdiction of New York into New York City to get evidence? What was the matter with the prohibition enforcement agents in New York?

Mr. McKEOWN. Will the gentleman yield?

Mr. BLACK of New York. I will yield in about two minutes.

Mr. McKEOWN. I just wanted to ask what had become of all these wet votes in the last election? I looked for them.

Mr. BLACK of New York. There were 16,000,000 wet votes in the last election and we are appropriating to-day $13,000,000 to enforce the prohibition law or about 75 cents a vote.

Mr. LAGUARDIA. A year.

Mr. BLACK of New York. A year. The gentleman from Michigan spoke about the racketeers and bandits. They are the collateral creation of prohibition. They say that politics makes strange bedfellows, but what about prohibition? We have a dry in bed with a racketeer. The dry has under his pillow a vial of poison and the racketeer has a gun. But they do not drink out of that bottle, although there is a little bottle on the table out of which they both drink.

Mr. HUDSON. Will the gentleman yield?

Mr. BLACK of New York. I always am glad to yield to the gentleman from Michigan.

Mr. HUDSON. Does the gentleman make the observation here that the 16,000,000 votes he spoke about a moment ago represented violators of the eighteenth amendment?

Mr. BLACK of New York. Oh, no. I think the other 22,000,000 were the violators, as a rule. They have been trying out this noble experiment day after day and they rather like it.

The amendment offered by the gentleman from New York [Mr. LAGUARDIA] ought to prevail. There is no reason in the world why the wives of Federal agents should be used as an enticing force to entrap violators of the law. If you refused to pass—I am getting to be LAGUARDIA's second lieutenant, I guess—the LaGuardia amendment for the enforcement of the narcotic law, and thus made yourselves ridiculous before the country, at least redeem yourselves a little bit and raise your general standard before the public by accepting the amendment he has just offered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

MINTS AND ASSAY OFFICES

For compensation of officers and employees of the mints at Philadelphia, Pa.; San Fancisco, Calif.; Denver, Colo.; New Orleans, La.; and assay offices at New York, N. Y.; Boise, Idaho; Helena, Mont.; and Seattle, Wash., and for incidental and contingent expenses, including traveling expenses, new machinery and repairs, cases and enameling for medals manufactured, net wastage in melting and refining and in coining departments, loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, not to exceed $500 for the expenses of the annual assay commission, and not exceeding $1,000 in value of specimen coins and ores for the cabinet of the mint at Philadelphia, $1,635,500.

Mr. LEATHERWOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Utah offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LEATHERWOOD: On page 34, line 14, after the word "Montana," insert "Salt Lake City, Utah."

Mr. LEATHERWOOD. Mr. Chairman and gentlemen of the committee, I assume when the committee left out the Salt Lake City assay office it was upon the theory of economy. With reasonable economy I am in full accord, and if I can be led to believe that it is to the best interest of my Government to leave this office out I shall make no complaint.

I am not offering this amendment, Mr. Chairman, simply because if it should be granted it may furnish employment for two people in Salt Lake City. I am offering it, Mr. Chairman, because I believe it is of vital importance to a great industry in my State, and if I shall fail to bring forth reasons for that statement then the action of the committee should prevail.

I regret that it was not possible for those of us who come from the mining States to be here at the hearings when this matter was taken up. Let me say that I am not offering this amendment, and nothing that I shall say will be in criticism of the action of the committee. With the facts that were before the committee, its action might be justified by those unfamiliar with mining conditions.

It seems that this office, as I read the hearings, was eliminated upon the theory of importance and that it was deemed unimportant because there had been a comparatively small amount of bullion deposited in the office for mint purposes. Another reason, it seems, that was urged as to its not being an important office, was that it would be just about as easy for the people in Utah to do this business in San Francisco or in Denver as it would be at home.

In the hearings I find that my good friend, the Director of the Mint, again falls into error with reference to the geography of our country out there, and I understand he claims to be a westerner. He speaks of San Francisco as being a night and a day from Salt Lake City. I do not know why he did not translate it into moons and say it was so many moons from Salt Lake City.

As a matter of fact, the director, if he is a westerner, knows that San Francisco is 800 miles from Salt Lake City; and, as a matter of fact, if he is a westerner and a Coloradan, he knows that Denver is more than 600 miles by rail from Salt Lake City.

Mr. Chairman, the importance of one of these assay offices is not measured by what is deposited there or by what is expended.

If it is because the outlay in this office is greater than the income, then I ask why did not the Director of the Mint, in all fairness, come before the committee and ask to have the New York office abolished, the New Orleans office abolished——

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. LEATHERWOOD. Mr. Chairman, it is very seldom I claim the time of this House. I ask unanimous consent that I may at this time be permitted to proceed for 10 minutes to present this matter, probably for the last time.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. LEATHERWOOD. I say, if it is on the question of the deficit, why should not the Director of the Mint come in and call attention to the condition at New York, where they ran behind $54,672; New Orleans, $12,491; Carson City, $5,000; Boise, $6,518; Helena, $5,785; Seattle, $23,559; Salt Lake City, $3,492. So far as that comparison is concerned, the Salt Lake City office is the lowest in the list.

I do not want any of my friends from these other States to get nervous. I am not going to make any invidious comparison or to urge that their offices be taken away from them, but I do ask them to treat us with the same degree of fairness and consideration which they claim for themselves.

I said a moment ago that these offices are not measured by what comes into the office or by what goes out of the office. These offices are created as an incentive and as an inducement in the promotion of the great industry of mining. The picket men, the outposts of all the great mining properties in the West, are the fellows who go out and prospect, and it is to these assay offices that many of these men come with their samples, and it is in this way that many great properties have been built up.

I would like to know why the Director of the Mint is so concerned about the abolition of the office at Salt Lake City when he takes into consideration the importance of that district.

Within a radius of 100 miles, Mr. Chairman, of the Salt Lake City office there is mined a greater tonnage of ore bearing the precious metals than in any other given area of the United States. There is smelted within a radius of 30 miles of the Salt Lake City assay office a tonnage of ore bearing precious metals greater than any other district in the United States or any other point in the world at the present time. Then you tell us out there in that country that it is an unimportant matter and does not mean anything!

If, Mr. Chairman, we measure this question simply by the dollars and cents handled in the office, as a business matter it might not justify itself; but let us note what is at stake and what the development of this great industry is doing for the country. I pause and would like to have an opportunity to interrogate, if it were possible, the Director of the Mint as to why he has never asked to have the Boise office abolished. We are not asking to have it done, but it has never made a much better showing than the Salt Lake City office, and why does he come asking that our office be abolished and yet he has never raised his voice against the Boise office or the Helena office? And I am informed by one of the most responsible citizens of Salt Lake City that only within the past few months the Director of the Mint came to Salt Lake City and professed to be a great friend of the Salt Lake City office, and said it would be too bad to abolish it, and yet he comes back here and says things which would damn it in the sight of this committee. Does Utah's lack of representatiion on the Appropriations Committee enter into this question?

I ask the attention of the Appropriation Committee for a minute. You are are perfectly willing to leave the assay office at Helena, Mont. What does Montana contribute to the wealth of the Nation through her mines? In 1927 the value of her contributions was $48,078,000. What does the State of Idaho contribute to the wealth of the Nation? You are leaving an assay office at Boise. She contributed $28,469,000 from her mines. What does Utah contribute, where you now seek to strike down this little office which costs the Government the gigantic sum of $4,200 a year? What did she contribute in 1927, from her mines? She contributed $74,348,000, and from that there was paid throughout the United States to the people of the country in dividends between eighteen and twenty million dollars. I had the pleasure only a few months ago of showing one of my friends from the House where he got his dividends from on Utah copper stock.

Mr. BACON. Will the gentleman yield?

Mr. LEATHERWOOD. Yes.

Mr. BACON. If you are doing so much business why do you not use the assay office more? There were only 43 deposits last year, less than one a week.

Mr. LEATHERWOOD. I will answer the gentleman in a minute, and I hope he will not let me get away from it. In addition in 1927 we produced 7,700,000 ounces of silver—more than the next higest State, which was Montana. In other words, we were first in production of silver.

I have been asked by the gentleman from New York, whom I take it is a member of the committee, why the showing of the assay office in Salt Lake City is so low. I invite his attention

to the fact that in 1925 the Salt Lake City assay office was taking a march forward. There was deposited at that time during that fiscal year bullion for minting purposes to the amount of over $112,000. I invite the gentleman's attention to the fact that the production of gold—and that is what this is based on—varies from time to time throughout the mining country. I am coming now to the real answer to the gentleman's question, which is a fair question and ought to be answered fairly.

In 1925 the Director of the Mint had set his heart on killing this little assay office. When the director came before your committee he could tell you how many days and nights it was from Salt Lake City to San Francisco, but he could not tell you how many miles. He did not know that Boise was much nearer, he did not know that Helena was much nearer. He did not tell you in this hearing why he is adverse to the Salt Lake City office.

I will tell you. The cold and unsympathetic hand of bureaucracy reached out with a view to striking down our assay office. I speak advisedly. I have in my possession the paper which shows that in order to break down and make a poor showing from this assay office the Director of the Mint practically doubled the assay charges, and yet in spite of all that, and in the face of all that, I invite your attention to the fact that we had 452 deposits last year. We assayed 1,065 samples coming from 31 States.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. LEATHERWOOD. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Utah asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. LEATHERWOOD. The Salt Lake office received 452 samples and made 1,065 assays last year for nonmintable purposes. What did Boise do—and you leave her assay office in? She had 843 samples and 1,408 assays. What did Helena, Mont., do? She had 485 samples and 1,299 assays.

So I say that the avowed purpose after partaking of our hospitality and telling us what good people we were, and that it would be too bad to take the office away from us, was to destroy the office by raising the assay fees. That accounts for the showing that we made last year.

Now, gentlemen, in all fairness do you think it is just the thing to take this little agency of the Government away from the people of my State?

We have never had much from the Government. We went over the top every time you called us during the war, and we went over ahead of time. You took our money and spent it elsewhere. The Government never has maintained very many of its agencies in my State. This is an agency which is vital to a great industry which turns back to the country from $18,000,000 to $20,000,000 in dividends, and that added last year to the wealth of the country $89,000,000. Why do you leave out the Boise office? The great bulk of the tonnage of Idaho is in the panhandle country, which is practically inaccessible to Boise except for three or four months of the year. We think in all justice, in all fairness, gentlemen of the Committee on Appropriations, that it is not right to take from us this little help which the Government is giving us, and I ask the members of this committee in all fairness to treat this matter as a business proposition.

I am not making this appeal as a pro forma matter, or to preserve any record. I am making a plea for an industry of my State that produces three times more wealth from our mines than is produced from the mines of any other of the intermountain States.

Mr. WOOD. Mr. Chairman, in answer to the very eloquent and earnest plea of the gentleman from Utah [Mr. LEATHERWOOD], the only purpose this committee has in abolishing this office is based on the fact that the office is not needed. The gentleman from Utah stated himself that if we were to consider this purely as a business proposition, no defense could be made in its behalf.

Mr. LEATHERWOOD. With the facts before you.

Mr. WOOD. Yes; with the facts before us.

Mr. LEATHERWOOD. And I tried to give you some facts.

Mr. WOOD. It was on the basis that the Deadwood office in Dakota was not needed that we abolished it at the last session of Congress. These institutions were established many, many years ago when the means of transportation were not what they are to-day, and when there was more necessity than there is to-day for their existence, and after once more being established, the communities, of course, are loath to give them up. Since I have been a Member of this House we had to fight three or four different sessions to get rid of the subtreasuries, when it was admitted by the Treasury Department, as it is admitted now, that they were not needed; but they were establishments that had a few employees and they added a little bit of business interest to the community and were a little bit representative of the affairs of Government, and the various communities wanted to retain them. I remember very well when we used to have some 17 or 18 pension commissioners scattered around over this country. They might have been needed at one time, though that was doubtful, but the time came when they were not needed, and yet every State that had one of them, on this floor fought to maintain them because they did have them. If we are to proceed in this way, then we are going to be constantly confronted with just criticism by the public for paying out money for useless agencies.

The gentleman from Utah stated that this territory is producing some $78,000,000 of national wealth, but it does not go into that mint. There were only $34,000 that went into that mint last year, and there were less than three and a half samples there in a month—only 40 through the entire year. The only defense that can be made for the further maintenance of this office is that they have it there and they want to keep it there. None of the ore that goes into this office is minted there. It goes from there to San Francisco. It necessitates a reshipment, expensive both to the Government and to the producer of ore, so why not send it directly to San Francisco in the first place? It is not sufficient to say that we have not abolished these other offices. We will abolish them as the showing comes, or attempt to abolish them, against the opposition, of course, always, of the States that have them. There is no pleasure, I assure the gentleman, so far as this committee is concerned, to recommend the abolishment of this office, but we would be entirely derelict in our duty if we did not bring to the attention of this House the fact that this is a useless thing and we are paying out more than $3,000 a year in excess of the money that comes in. Only about $750 comes into this office in the course of a year, and from a business viewpoint it is absolutely indefensible. If this Congress, with the facts before it, wants to keep this office merely as a sort of accommodation to the gentlemen out there, merely because of the fact that they have enjoyed it throughout these years and hate to give it up, all well and good, but we can not justify ourselves in keeping it because it is a useless expense to the Government and adds nothing to the efficiency of the service.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Utah.

The question was taken; and on a division (demanded by Mr. LEATHERWOOD) there were—ayes 11, noes 27.

So the amendment was rejected.

Mr. WELCH of California. Mr. Chairman, I move to strike out the last word.

The gentleman from Indiana [Mr. WOOD], who has referred to the bill which bears my name as a "monstrosity," has clearly overlooked the fact that to repeal the bill in accordance with his suggestion, while it might take away one or two million dollars from the higher-paid employees, will at the same time deprive the lower-paid employees of from eighteen to twenty millions of dollars from their already inadequate pay. He offers no substitute to improve existing conditions. It is well known that many inequalities existed prior to the passage of the Welch bill, but these inequalities can be corrected only by a thorough classification of the entire service as provided in section 2 of my bill, a report on which is expected to be filed with Congress about January 1. In the meantime my bill was designed to grant some temporary relief. First, the House leaders drastically reduced the rates from those carried in the original bill and would not permit the bill to come to a vote except under suspension of the rules, which prevented any liberalizing amendments. Next, the decision of the Comptroller General reduced the benefits for the lower-paid employees and increased those for the higher-paid employees. Lastly, the department heads denied to the lower-paid employees the relief which they were authorized to grant, and in some instances the effective date of the application of the act was deferred. I will willingly join with the gentleman from Indiana in the repeal of my bill if he will guarantee to secure the enactment of a bill which will contain rates as carried in my original bill, before the emasculation of it by the President of the United States, the House leaders, the Comptroller General, and the department heads charged with its administration.

The bill which I had the honor to introduce at the last session of Congress after consultation with the officers of the National Federation of Federal Employees had for its purpose the in-

crease of the compensation of Government workers, particularly those in the lower salary ranges. The bill as finally enacted into law materially reduced the rates as originally presented and was not satisfactory to me nor to its proponents. As finally enacted it represented the best possible obtainable at the last session of Congress, in view of conditions then existing.

Probably the most poorly paid group in the entire Federal service are the men and women known as custodial employees, who make up the maintenance forces in public buildings throughout the country. In spite of the slashing of the rates proposed in my original bill, the bill as finally enacted into law did carry uniform increases in all of the lower grades in the custodial service of $180 per annum, notwithstanding which we find, on page 1045 of the President's Budget as transmitted to Congress at the opening of the present session, House Document 375, a striking illustration how even the inadequate relief clearly intended in the Welch bill as enacted into law was further reduced by administrative action. For the fiscal year ended June 30, 1928, 1,286 firemen received an average of $1,211 per annum.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WELCH of California. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WELCH of California. For the current fiscal year, with the increases obtained in the Welch bill, as applied by the Treasury Department, which has jurisdiction over these employees, 1,327 firemen received an average of $1,311 per annum, indicating an average increase of only $100 per annum, notwithstanding the provisions of the bill calling for an increase of $180 per annum, and there is a still gloomier outlook for the next fiscal year, the estimate for which calls for 1,344 firemen with an average salary of $1,299 per annum, forecasting an average decrease of $12 per annum. The table referred to further shows that during the fiscal year ended June 30, 1928, there were 2,199 laborers receiving an average salary of $1,112 per annum. For the current fiscal year 2,301 laborers, with an average salary of $1,198 per annum, showing that the increase to this group under the Welch bill amounts to only an average of $86 per annum, with an average cut of $4 per annum forecasted in the estimates for the next fiscal year.

Charwomen, a group of employees whose work is laborious, and whose pay is always meager, have apparently received even less consideration. During the fiscal year ended June 30, 1928, 1,131 of these employees received an average wage of $634 per annum. For the current fiscal year, with such increase as was allowed them by the department, 1,149 charwomen are receiving an average of $679 per annum, showing an average increase of only $45 per annum, and the prospect for the next fiscal year is for an average decrease of $1 per annum from the miserable pittance now being paid them. To make a bad matter still worse, it was the original intention of the Treasury Department to deprive the custodial employees of any increase under the Welch bill on July 1, 1928, and to delay the effect of the act until July 15. The situation of these employees was called to the attention of the Treasury Department by Mr. Luther C. Steward, president of the National Federation of Federal Employees, under date of July 30, 1928, and I desire to include in my remarks copies of Mr. Steward's letter, together with reply thereto from one of the Assistant Secretaries of the Treasury.

I feel that it is clearly the duty of the House of Representatives to take steps during the present session of Congress by the enactment of amendatory legislation which will grant a fuller measure of justice to the lower-paid Federal employees.

JULY 30, 1928.

The SUPERVISING ARCHITECT,
Treasury Department, Washington, D. C.

DEAR SIR: Confirming our personal interview had on the 28th instant, we desire to cite for your consideration reasons which in our judgment demonstrate the clear intent of Congress to substantially increase, as effective July 1, 1928, rates for custodial employees in effect prior to that date.

The rates for the lower grades in the custodial service receive a larger increase under the terms of the Welch Act than the rates contained in the lower grades of the other services enumerated in the classification act of 1928. The decision rendered by the Comptroller General under date of June 2, 1928, also bears out this statement.

With respect to the field service, the Comptroller General, under date of June 21, 1928, ruled as follows:

"The heads of the several executive departments and independent establishments are authorized to adjust the compensation of certain civilian positions in the field services, the compensation of which was adjusted by the act of December 6, 1924, to correspond, so far as may be practicable, to the rates established by this act for positions in the departmental services in the District of Columbia.

"The act of December 6, 1924 (43 Stat. 704, 705), specifically applied to the Interstate Commerce Commission. Said act provided as follows:

"'The appropriations herein made may be utilized by the heads of the several departments and independent establishments to accomplish the purposes of this act, notwithstanding the specific rates of compensation and the salary restrictions contained in the regular annual appropriation acts for the fiscal year 1925 or the salary restrictions in other acts which limit salaries to rates in conflict with the rates fixed by the classification act of 1923 for the departmental service.'

"This act has been extended through each subsequent fiscal year. For the fiscal year 1929, see section 2 of the act of March 5, 1928 (Public, No. 93). These statutes have heretofore been construed and applied as authorizing the administrative office to adjust the compensation of positions the salary of which had theretofore been specifically fixed by other statute. (4 Comp. Gen. 582; id. 625.) The provisions of the act of May 28, 1928, do not automatically increase the rates of compensation of any field position, whether the rates were or were not specifically fixed by other law, but there is for administrative consideration such action, if any, as may be necessary to adjust the rates of compensation for field positions 'to correspond, so far as practicable, to the rates established by the classification act of 1923 for positions in the departmental services in the District of Columbia,' as amended by the act of May 28, 1928, fixing the new schedule of salary rates."

The relation of employees in the field services to employees in the District of Columbia remains the same under the Welch Act as it was subsequent to the passage of the classification act of 1923 and the special appropriation act of December 6, 1924. Section 3 of the Welch Act authorizes heads of departments to adjust the compensation of field employees to correspond, so far as may be practicable, to the rates established for positions in the District of Columbia. Where a differential was established for field positions under the act of December 6, 1924, and where, in the judgment of the head of the department, certain field positions were, under the act of December 6, 1924, paid more than similar positions in the District of Columbia, it necessarily follows that under the provisions of section 3 of the Welch Act the same differential in favor of certain field positions should be maintained.

During the entire time that the Welch Act was under discussion in Congress the custodial group, and a need for adjustment upward of the rates of compensation paid to the members of this group, received a greater amount of attention at the hands of the Members of Congress than any other feature of the bill. Since the passage of the act and the issuance of the Comptroller General's decision of June 2, all departments and independent establishments, with the exception of the Supervising Architect's Office, have taken steps to apply the terms of the Welch Act, effective July 1. In the War Department and the Interior Department, where there are substantial numbers of maintenance employees who are comparable to the custodial employees of the Treasury Department, the terms of the Comptroller's decision of June 2 have been applied in toto.

It is with sincere regret that we have to point out to you the very painful impression that will be created by the Supervising Architect's Office standing alone; first, as the only bureau in the Government which has failed to grant its employees increases authorized by the act, reinforced by the terms of the Comptroller General's decision of June 2, and, second, that the Supervising Architect's Office should be the only bureau in the entire Government that failed to apply the terms of the Welch Act as of July 1, 1928, thereby depriving the lowest-paid employees of small sums, which deprivation creates friction out of all proportion to the amount involved.

In certain bureaus where the actual increase of field employees will be contained in the pay for August, official notification has already been sent to field offices that the effective date of the increases was July 1. As to the effective date as to the applying of provisions of section 3 of the Welch Act, effective July 1, 1928, desire to call your attention to decision of the Comptroller General issued under date of January 3, 1925, appearing in volume 4, Decisions of the Comptroller General, commencing at page 582, in which discussing the effective date of the application of the act of December 6, 1924, he holds that there can be no doubt that the rates of compensation to be fixed were intended to apply for the entire fiscal year.

We are receiving in substantial volume, particularly from metropolitan centers, a demand that the action of the Supervising Architect's Office, in respect of the application of the Welch Act to custodial employees, be taken up at once with the entire membership of Congress while they are at their homes, and we fully recognize the interest in this subject by Members of both Houses, but before proceeding any further we desire to place the entire matter before you, feeling sure that with the additional information above set forth action will be taken to bring about the adjustment contemplated by the Welch Act.

Fraternally,

LUTHER C. STEWARD, *President.*

TREASURY DEPARTMENT,
CUSTODIAN SERVICE,
Washington, July 31, 1928.

Mr. LUTHER C. STEWARD,
President National Federation of Federal Employees,
Labor Building, 10 B Street SW.,
Washington, D. C.

SIR: The receipt is acknowledged of your communication of the 30th instant relative to the application of the Welch bill to employees in the custodian service assigned for the care, maintenance, and repair of Federal buildings.

Action on your letter must be held in abeyance pending the return of the Undersecretary of the department and the Assistant Secretary in charge of the Office of the Supervising Architect.

The department has reconsidered its action in authorizing increases in compensation of the custodian force effective July 16, and instructions will be given to custodians authorizing same as effective July 1, 1928.

Respectfully,

S. LOWMAN,
Assistant Secretary of the Treasury.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. ARENTZ. Mr. Chairman, I have offered an amendment, which is at the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 34, line 14, after the word "Montana," insert "Carson City, Nev."

Mr. ARENTZ. Mr. Chairman, all that has been said relative to the Salt Lake City office can also be stated about the Carson City assay office. I need not go into the details of the necessity for the retention of this office, except to say in regard to the $6,000 appropriation last year for this purpose, that I believe a similar amount should be appropriated this year, and it will be necessary within the next year or two to appropriate three or four times this amount to carry on the cooperative work with the State in the exploration of new ore deposits, a question that has been very seriously considered by the United States Geological Survey and Bureau of Mines. And when the question of the Carson City assay office came up, Mr. THATCHER, a member of the Committee on Appropriations, asked Mr. Grant, the Director of the Mint, if there was any reason over and above that given for the retention of the assay office in Salt Lake City that could be applied to the Carson City office, and the answer given by Mr. Grant to the committee was that there were many more reasons why the Carson City office should be retained.

Mr. BYRNS. If the gentleman will permit, my recollection is that the director stated that a bill had been introduced in Congress which sought to turn over that building for a Federal prison. Is that correct?

Mr. ARENTZ. At the present time, Mr. BYRNS, there are Federal prisoners from many points in the United States who are sent to Nevada prisons, both county jails and State penitentiaries, for retention. And I will also say if the Federal Government continues to send prisoners to our State prisons and county jails, it is going to be necessary for the Federal Government to do something to prevent the overcrowding of those places.

Mr. BYRNS. I was just wondering whether the gentleman or either of the two Senators from Nevada, had introduced a bill, as I understood the director to say, to turn over this assay building for a Federal prison?

Mr. ARENTZ. I will say, if there is any kindly disposition on the part of members of the Appropriations Committee, to change this institution to a jail or a Federal penitentiary——

Mr. BYRNS. That is not my question. It was whether the gentleman, or one of the Senators, had introduced a bill.

Mr. ARENTZ. I do not know at the moment what the Senators have done relative to this matter. I do recollect having introduced a bill to that effect, and I will say I think this assay office, a thick-wall stone structure, if it is going to remain unused through the action of your committee in cutting off this appropriation, would be a good place to put Federal prisoners if they continue to send them to Nevada.

Mr. BYRNS. Does not the gentleman think, in view of the statement made by the director as to the loss incurred in the retention of this office, that it could be put to a better advantage, under the circumstances stated by him, than continued as an assay office?

Mr. ARENTZ. I will say, in view of the production of precious minerals in the State of Nevada and the mining industry, that the small amount of $6,000 is a trifle when it comes to the consideration of the benefits which will accrue to my State through its retention. The Committee on Appropriations could well afford to continue the assay office at Carson City even if for a year or two its receipts may be insufficient to cover the expenditure made by the Government, because I can assure the gentleman from Tennessee in a year or two we may be receiving millions of dollars in bullion in this assay office. I heard the gentleman from Utah here on his feet make a plea—and a splendid plea—for an appropriation of $4,500. I am now pleading for $6,000, and surely the merits will justify a great deal larger appropriation than this insignificant amount. I hope the committee will favor this amendment and adopt it.

Mr. WOOD. I desire to say a word in reference to the Carson City office and furnish some facts for the consideration of the gentleman.

Carson (Nev.) Mint has functioned for some time only as a minor assay office. The amount eliminated from the appropriations on that account is $6,440, which covers the salaries of three employees and the incidental expenses of running the office. During the fiscal year 1928 the business of the office consisted of 209 deposits, and the coining value of the gold and silver received was $234,811.70. The income received at the office was $460.48, and the expense amounted to $5,847.56, an excess of expenses over income of $5,387.08.

Carson is only 12 hours from San Francisco, where the Government has a very large mint and assay facilities. As it is now, all of the gold that comes into Carson now is reshipped to San Francisco. The business of the office is not sufficient to justify its continuance and the Director of the Mint has told the committee in the hearings this year that the assay office at Carson was not of sufficient benefit to the State or to the Government to keep it running for the amount that it costs and that no hardship would result through the abolishment of the office.

Carson City is distant a day and a night from San Francisco. There the Government has a very fine mint and assay facilities. The condition of the office at Carson City is not such as to satisfy the judgment of the Director of the Mint, and we were told in the hearings that the best interests of the Government and the Treasury in the transaction of its business would be subserved by the elimination of this office.

Mr. LEATHERWOOD. Mr. Chairman, will the gentleman be gracious enough to yield?

Mr. WOOD. Certainly.

Mr. LEATHERWOOD. I notice in the hearings that the Director of the Mint seems to hold out some hope to the people of Nevada that if the office at Carson City is abolished it will be converted into a jail. I wonder if we in Utah can have such a prospect?

Mr. WOOD. If the people in Utah need a jail, I am in favor of it.

Mr. LEATHERWOOD. I thought perhaps we might get a recommendation of that from the head of the committee. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nevada.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Baltimore, Md., post office, etc., continuation.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, you know that for a long time I have been disappointed in the matter of appropriations for public buildings. I feel that Oklahoma has not received what she is entitled to have appropriated to her.

I had a talk with the gentlemen who have this matter in charge, and they convinced me that they were doing the best they could to fairly locate these buildings. But it will be of interest to you to know that in this bill there are 12 States that are getting 1 building each, 13 States that get 2 buildings, 8 States that will get 3 buildings, 3 States that will get 4 buildings, 4 States that will get 6 buildings, and 1 State that will get 10 buildings.

I am hoping that the department will make a survey of the State of Oklahoma for this reason: Oklahoma is a new State. It had no Representatives in Congress except for a short time, and during all the years in which public-building programs had gone forward in the past Oklahoma had received but scant consideration because she was not then a State. Now Oklahoma is pouring into the National Treasury large sums of money from the revenues derived from oil and other great resources

that are being developed. Oklahoma is one of the States whose Federal income and whose Federal taxes are greatly increased each year.

We are limited in this bill to only one small building, and Oklahoma people do not understand why she is not given more consideration. In my district there are two small public buildings, although we have a number of good cities, some of which are designated as United States court towns. We have at least nine cities in my district which comply with the requirements authorizing them to have a public building. They are growing, prosperous cities. They are not merely boom towns, places that have grown overnight, that will disappear to-morrow. They are substantial places. My own city is a United States court city, a city of 15,000 people. We are growing every day. Oil fields are developing and land values in these cities are growing. We feel that those in charge of these buildings ought to bear in mind the fact that the real estate which I could have bought when the House was good enough to pass a bill once to give us $10,000 to buy a site—that site sold a few days ago for $25,000, and if the United States Government waits a long time it will have to pay a greater price for suitable locations for buildings. These are the cities in my district that ought to have public buildings, namely: Sapulpa, Holdenville, Ada, Wewoka, Drumright, Bristow, Okemah, and Seminole.

Our citizens go through the other States and see the fine public buildings located at almost every crossroad and they come back to their home State and can not understand why their Congressmen can not secure for them public buildings in keeping with the growth of their cities.

Mr. BACON. Are they first-class cities?

Mr. McKEOWN. They are first-class cities in every respect.

Mr. BACON. Have they first-class post offices?

Mr. McKEOWN. I have got cities down in my district that have no post-office building, and yet they have over $50,000 postal receipts.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McKEOWN. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Washington, D. C., Department of Agriculture buildings: For continuation of the construction of the central part of the administration building.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the chairman of the subcommittee a question concerning a statement he made yesterday. My understanding of the matter is that this simply lists the towns where, in accordance with legislation already passed, buildings have either been constructed or are about to be constructed and work carried on. They are in process.

Mr. WOOD. They are in process, and there may be some of them for which even a site has not been secured.

Mr. KETCHAM. But in no case is there a new project that has not already been included in a previous act.

Mr. WOOD. No. They have all been passed upon heretofore.

Mr. KETCHAM. My further understanding is that the new projects which are contemplated in the next year are to come in a subsequent report from the Budget Bureau, and that they will be included in a deficiency bill.

Mr. WOOD. Either in a deficiency bill or in a separate bill.

Mr. KETCHAM. In a separate bill or in a deficiency bill later on.

Mr. WOOD. That is correct.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Washington, D. C., Archives Building: Toward the construction of building and acquisition of site, and the Secretary of the Treasury is authorized to enter into contracts for the entire estimated cost of such building and site, including stacks, for not to exceed $8,750,000, in lieu of $6,900,000 fixed in act of July 3, 1926.

Mr. BLACK of Texas. Mr. Chairman, I make a point of order against the paragraph, and I will state to the Chair that the act of July 3, 1926, fixed a limit of cost of $6,900,000 for this particular structure and that the present paragraph undertakes to raise that limit of cost $1,850,000, making the total limit of cost $8,750,000. I make the point of order that there is no authorization of law for that increase.

Mr. WOOD. Mr. Chairman, I will call the gentleman's attention to the Elliott bill, which gives us the very authority he is denying we have:

Provided further, That unless specifically provided for in the act making appropriations for public buildings, which provision is hereby authorized, no contract for the construction, enlarging, remodeling, or extension of any building or for the purchase of land authorized by this act shall be entered into until moneys in the Treasury shall be made available for the payment of all obligations arising out of such contract, and unless the said act making appropriations for public buildings shall otherwise specifically provide, as hereinafter authorized, appropriations shall be made and expended by the Secretary of the Treasury in accordance with the estimates submitted by the Bureau of the Budget.

The act to which the gentleman refers, the act of July 3, 1926, is an appropriation act.

Mr. BLACK of Texas. Yes; but it fixes a limit of cost for this particular building and site of $6,900,000.

Mr. WOOD. Under the Elliott bill, if the gentleman listened to what I was reading——

Mr. BLACK of Texas. I listened.

Mr. WOOD. We have a right to fix the limit of cost ourselves.

Mr. BLACK of Texas. I doubt if the language is broad enough to give the Appropriations Committee that right, and that is the point of order I make.

Mr. WOOD. It was certainly the intention of Congress to give it. If the language means anything it means that the Appropriations Committee has that right.

Mr. BLACK of Texas. Under the general rule of the House the Appropriations Committee has no right to bring in a provision of law that changes existing law, and I do not believe that the language in the Elliott bill is sufficient to change that rule.

The CHAIRMAN. The Chair would like to ask the gentleman from Indiana if this is within the limit as suggested or brought in by the Bureau of the Budget?

Mr. WOOD. It is.

The CHAIRMAN. From a direct reading of that law it is the Chair's opinion that the Committee on Appropriations is within its rights, and he overrules the point of order.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word. I want to make some inquiry about this archives building. I noticed in one of the Washington papers that the site chosen for the archives building was bounded by Ninth, Tenth, C Streets, and Louisiana Avenue. I went down there the other morning and I do not see how you are going to put a big building on that little piece of land. It is almost a triangular section; and I wondered whether the newspaper account was incorrect.

Mr. WOOD. That is the location.

Mr. DALLINGER. Then I do not see how you are going to put a $9,000,000 building on that small site, and evidently there will be no chance for expansion. It seems to me that an archives building, of all buildings, should be constructed on a lot that would permit of expansion. I am heartily in favor of an archives building, and I was one of those who tried to get one authorized years ago, but if we are going to have one it ought to be built, it seems to me, on a lot large enough to house the archives of the Government and permit of further expansion as necessity requires.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. BLACK of Texas. Originally the plans called for two blocks, and they would have cost the Government $700,000. Now they have changed that and propose to erect the structure on one block and pay $1,325,000 for that one block, thereby getting much less land in area and paying $625,000 more for it.

Mr. DALLINGER. May I ask the chairman if he has any map showing the size of the lot?

Mr. WOOD. I have no map here showing the size of the lot, but I will say to the gentleman that the Public Buildings Commission itself changed the location. They now propose to acquire block 381, located between Ninth and Tenth Streets, C, and Louisiana Avenue, and they propose to acquire 38,000 square feet.

Mr. DALLINGER. It seems to me that 38,000 square feet is altogether too small, and it is out of proportion to the other buildings they are erecting.

Mr. WOOD. That is pretty nearly an acre of ground, and you can put up a fair-sized building on an acre of land.

Mr. REED of New York. The Congressional Library is on a lot containing 4 acres.

Mr. DALLINGER. May I ask the gentleman from Indiana if he knows what disposition is to be made of the square lot farther to the south and whether this will be left open so they

could bridge across Louisiana Avenue and extend this building if necessity required it?

Mr. WOOD. I would say to the gentleman that I suspect that would be possible, for the reason that the Government owns all the land around this proposed site in the triangle.

Mr. DALLINGER. Then they are not contemplating putting any other Government building between the site and the Mall?

Mr. WOOD. I do not think so.

The pro forma amendment was withdrawn.

Mr. BLACK of Texas. Mr. Chairman, on page 46, line 1, I move to strike out the figures "$8,750,000" and insert in lieu thereof "$6,900,000" and to strike out the balance of the paragraph.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLACK of Texas: Page 46, line 1, strike out the figures "$8,750,000" and insert in lieu thereof "$6,900,000" and strike out the remainder of the paragraph.

Mr. BLACK of Texas. Mr. Chairman, the act of July 3, 1926, authorized this archives building to be constructed at a total cost, including the cost of the site, of $6,900,000, and the Public Buildings Commission in looking about for a site selected a site that was to cost $700,000. It was to be located on blocks 294 and 295.

It is now proposed to change the site and acquire another block, block 381, and pay $1,325,000 for this one block, an increase in this item alone of $625,000.

It is also proposed to increase the cost of the building by something more than $1,000,000, and yet according to the testimony of the Supervising Architect himself it is not known now just what this building will be used for and just what sized building will be needed.

On page 601 of the hearings Mr. WOOD asked the Supervising Architect this question:

What is it proposed to do with this archives building? What is its purpose?

Mr. Wetmore, the Supervising Architect, said:

That is difficult to say, because Congress has not designated yet just what class of archives should go into that building and just how it is to be operated.

Now, we have the testimony of the Supervising Architect himself that we are asking Congress to increase the limit of cost by $1,850,000 for a building that Congress has not yet designated just what class of archives should go into it and just how it is to be operated. If that is good business policy, then I have an inadequate understanding of what it takes to constitute good business policy.

The Supervising Architect, continuing, said:

But the idea of the Treasury officials is that the character of the archives that go into the building should be limited to those that have a permanent value or some historic interest; that it should not be used simply as a storehouse for old archives. With that in view we have circularized all the departments to find out what their requirements are, and the cubage that is given here would accommodate the archives of the various departments.

Mr. Chairman, I submit, in view of the uncertainty of the situation and in view of the fact that the Government can acquire two blocks at a valuation of $700,000, we ought to insist on the original limit of cost and that is the purpose of my amendment. I can see no justification for increasing the limit of cost of this building by $1,850,000. If the proper economy is used, I believe that the original limit of cost of $6,900,000, is every cent that is necessary to purchase the site and construct this archives building. President Coolidge, in his message, talked a great deal about economy and the savings of the Bureau of the Budget, but here is an instance where some of this economy might well be put into effect.

Mr. WOOD. Mr. Chairman, I desire to say in answer to the gentleman from Texas that the very question the gentleman has raised here, was raised in my own mind, and I asked the Supervising Architect what would be the advantage of putting this building on the new site rather than putting it where it was originally to be located, and he said that it would not fit in at all with the triangle plan as worked out by the architects who were engaged by the Secretary of the Treasury to lay out that whole triangle development. The improvement there is according to a plan which they think is not only one of utility but also artistically what it should be with reference to not only this improvement, but to the other proposed improvements, and the additional cost is not all for the difference in the price of the ground.

The testimony shows that the proposed building under the $6,900,000 estimate contemplated a stone-faced structure containing approximately 7,980,000 cubic feet, which, together with the cost of stacks, had been estimated to cost $6,200,000. Revised data from the several departments show additional requirements, bringing the total to approximately 11,312,100 cubic feet, which at the rate of 64½ cents per cubic foot will increase the probable cost of construction, including stacks, from $6,200,000 to $7,425,000, a difference of $1,225,000.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. BLACK of Texas. And yet, according to the admission of the Supervising Architect, those increased figures are all made without any knowledge whatever of what kind of records Congress shall direct to be kept in this building.

Mr. WOOD. With reference to the character of the records, there is a diversity of opinion in the various departments with respect to the records that should be kept there. Some are insisting that all records, whether of any consequence or not, should be kept in this archives building. Others are insisting that only those of a historic or otherwise of a practical value should be kept there. But here is something that we should not overlook. This building is not only going to be built for present needs but, I trust, it will be built for the needs of a future of 150 years.

I have long been an advocate of an archives building. Some of the most valuable records we have in this Government are to-day stored in cellars. They are not protected at all. They are all in danger, if you please, to destruction by fire.

I do not think we should hamper the gentlemen who have the building of this structure in their charge. The Public Buildings Commission and the committee of architects that were appointed for the purpose of making this triangle improvement are of the unanimous opinion that the blocks that were originally selected would not be suitable at all for this archives building and would materially interfere, so far as their scheme of improvement is concerned, with what their desire is with reference to the whole improvement in the triangle.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. BLACK of Texas. I realize that aside from the increased cost of the site that the provision in the bill authorizes an increase of more than a million dollars in the building on account of the increase in size, but would it not be the sensible thing to do to defer the consideration of this building until Congress by some law has decided what records shall be preserved? According to the testimony of the Supervising Architect himself he has no adequate data upon which to figure, because Congress has made no affirmative declaration as to what records shall be kept in this Archives Building.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. WOOD. Mr. Chairman, I ask unanimous consent to return to page 14, line 8, for the purpose of correcting a date.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOOD. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows.

Amendment by Mr. WOOD: Page 14, line 8, strike out "1929" at the end of the line and insert in lieu thereof the figures "1930."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. WOOD. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, it is expected that the Committee on Rules to-morrow may report out some rules for the consideration of certain business on Monday next. In the event that the House does not meet to-morrow, I ask unanimous consent that I may file those rules with the Clerk of the House in lieu of reporting them from the floor while the House is in session.

The SPEAKER. The gentleman from New York asks unanimous consent that he may have the privilege of filing certain reports with the Clerk of the House rather than introducing them in the regular way. Is there objection?

There was no objection.

THE PRESIDENT'S ARMISTICE DAY ADDRESS

Mr. WINGO. Mr. Speaker, on last Armistice Day the President of the United States delivered a very remarkable and able address. I ask unanimous consent to extend my remarks in the RECORD by publishing that address.

The SPEAKER. Is there objection?

Mr. TILSON. Mr. Speaker, I am informed that the Senator from Kentucky placed that in the RECORD to-day.

Mr. WINGO. Very well; I shall withdraw my request. I just wanted to have it embalmed in the RECORD.

LEAVE OF ABSENCE

Mr. DRIVER. Mr. Chairman, I ask unanimous consent for indefinite leave of absence for my colleague, Mr. TILLMAN, on account of serious illness.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 4402. An act authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory in the District of Columbia.

ADJOURNMENT OVER UNTIL MONDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

There was no objection.

ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 52 minutes p. m.), in accordance with the order heretofore made, the House adjourned until Monday, December 10, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, December 8, 1928, as reported by the clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

War Department appropriation bill.

State, Justice, Commerce, and Labor Departments appropriation bill.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the Marine Corps (H. R. 13685).

For Monday, December 10, 1928

APPROPRIATIONS COMMITTEE

War Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 13596).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

649. A letter from the Secretary of the Navy, transmitting draft of a proposed bill, "Authorize an increase in the limit of cost of two fleet submarines"; to the Committee on Naval Affairs.

650. A letter from the Secretary of the Navy, transmitting draft of a proposed bill, "To amend the act of May 4, 1898, as amended by the act of March 3, 1899, relating to the number of acting assistant surgeons in the Navy to be appointed by the President"; to the Committee on Naval Affairs.

651. A letter from the chairman of the Federal Radio Commission, transmitting the Second Annual Report of the Federal Radio Commission for the year ended June 30, 1928, together with a supplemental report for the period from July 1, 1928, to September 30, 1928; to the Committee on the Merchant Marine and Fisheries.

652. A letter from the chairman of the National Advisory Committee for Aeronautics, transmitting a copy of the Fourteenth Annual Report of the National Advisory Committee for Aeronautics for the fiscal year 1928; to the Committee on Military Affairs, Naval Affairs, and Interstate and Foreign Commerce.

653. A letter from the chairman of the United States Board of Mediation, transmitting copy of the Second Annual Report of the Board of Mediation to the Congress; to the Committee on Interstate and Foreign Commerce.

654. A letter from the Secretary of the Interior, transmitting information, that under the terms of a joint resolution approved June 7, 1924 (43 Stat. 688), the Secretary of the Interior was authorized and directed to submit to Congress, reports on several projects in Natrona County, Wyo., but as other investigations have been undertaken, reports from the above resolution can not be made at this time; to the Committee on Irrigation and Reclamation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAWLEY: Committee on Ways and Means. H. J. Res. 340. A joint resolution to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States; without amendment (Rept. No. 1930). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14687) granting a pension to Martha B. Beldin; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14851) granting a pension to Cornelia A. Parsons; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARNER of Texas: A bill (H. R. 15005) authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 15006) authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. COCHRAN of Missouri: A bill (H. R. 15007) to regulate the construction of bridges over navigable waters of the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGG: A bill (H. R. 15008) to include in the credit for time served allowed substitute clerks in first and second class post offices and letter carriers in the City Delivery Service time served as special-delivery messengers; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Indiana: A bill (H. R. 15009) for the repeal of the provisions in section 2 of the river and harbor act approved March 3, 1925, for the removal of a dam at Grand Rapids on the Wabash River, Ill. and Ind.; to the Committee on Rivers and Harbors.

By Mr. McSWAIN: A bill (H. R. 15010) to provide for the retirement of disabled nurses of the Army and Navy; to the Committee on Military Affairs.

By Mr. SEARS of Nebraska: A bill (H. R. 15011) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Omaha, Nebr.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 15012) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near South Omaha, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. STALKER: A bill (H. R. 15013) to amend the act entitled "An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State Camp for Veterans at Bath, N. Y.," approved May 26, 1928; to the Committee on Military Affairs.

By Mr. McLEOD: Joint resolution (H. J. Res. 341) authorizing the President to call a conference on questions relating to the construction of an inter-American highway; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 15014) granting an increase of pension to Roena Matteson; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 15015) granting an increase of pension to Mary M. Geist; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 15016) granting a pension to Julia Todd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15017) granting an increase of pension to Margaret Mekeel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15018) authorizing the Secretary of War to award a Congressional Medal of Honor to John E. Andrew; to the Committee on Military Affairs.

Also, a bill (H. R. 15019) granting an increase of pension to Nancy Jane Lockwood; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 15020) granting a pension to Augustus W. Nohe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15021) for the relief of William S. McWilliams; to the Committee on Military Affairs.

By Mr. COCHRAN of Missouri: A bill (H. R. 15022) granting a pension to Ruth Moseley; to the Committee on Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 15023) granting a pension to Charles H. Nason; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 15024) granting a pension to Esther Dibble; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 15025) granting a pension to Daisy Andrews; to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 15026) granting a pension to William A. Ott; to the Committee on Pensions.

Also, a bill (H. R. 15027) to renew and extend certain letters patent to Frank White; to the Committee on Patents.

By Mr. ROY G. FITZGERALD: A bill (H. R. 15028) granting a pension to Chester Shartzer; to the Committee on Pensions.

Also, a bill (H. R. 15029) for the relief of Edward A. Burkett; to the Committee on Military Affairs.

By Mr. GIFFORD: A bill (H. R. 15030) granting a pension to Jonh Stoll; to the Committee on Pensions.

By Mr. GREEN: A bill (H. R. 15031) to provide a preliminary survey of the Suwannee River in Florida and Georgia with a view to the control of its floods; to the Committee on Flood Control.

By Mr. GUYER: A bill (H. R. 15032) for the relief of the Smith-Leavitt Coal Co.; to the Committee on Claims.

Also, a bill (H. R. 15033) for the relief of the Smith-Leavitt Coal Co.; to the Committee on Claims.

By Mr. HALE: A bill (H. R. 15034) providing for the promotion of Chief Boatswain Edward Sweeney, United States Navy, retired, to the rank of lieutenant, on the retired list of the Navy; to the Committee on Naval Affairs.

By Mr. HASTINGS: A bill (H. R. 15035) for the relief of Frank J. Boudinot; to the Committee on Indian Affairs.

By Mr. HOGG: A bill (H. R. 15036) for the relief of George Adams; to the Committee on Military Affairs.

Also, a bill (H. R. 15037) granting an increase of pension to George C. Keller; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 15038) granting a pension to Mrs. L. D. Farler; to the Committee on Invalid Pensions.

By Mr. LEECH: A bill (H. R. 15039) for the relief of Winston W. Davis; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 15040) granting a pension to Lillian Fessant; to the Committee on Pensions.

Also, a bill (H. R. 15041) granting a pension to George K. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15042) granting a pension to James A. Shelton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15043) granting a pension to America E. Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15044) granting a pension to M. S. Durham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15045) granting a pension to Nancy Shatto; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15046) granting a pension to Louisa Goodson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15047) granting a pension to Lydia A. Mock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15048) granting a pension to Laura Coulson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15049) granting a pension to Julia Miller; to the Committee on Invalid Pensions.

Also, a bill (15050) granting a pension to Clara V. Gilmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15051) granting an increase of pension to Susan Lovell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15052) granting an increase of pension to Louisa Ridgell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15053) granting an increase of pension to Comfort E. Booher (Elizabeth Booher); to the Committee on Invalid Pensions.

Also, a bill (H. R. 15054) granting an increase of pension to Nettie Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15055) granting an increase of pension to Eliza Oster; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 15056) granting a pension to Harry L. Dye; to the Committee on Pensions.

Also, a bill (H. R. 15057) granting a pension to Elizabeth Francis; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 15058) granting a pension to Victoria Merritt; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 15059) granting an increase of pension to Elizabeth Conaway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15060) to reinstate Charles Robert Conroy in the West Point Military Academy; to the Committee on Military Affairs.

By Mr. PEAVEY: A bill (H. R. 15061) for the relief of Mrs. A. K. Root; to the Committee on Claims.

By Mr. THOMPSON: A bill (H. R. 15062) granting an increase of pension to Harmon E. Deck; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 15063) granting an increase of pension to Martha C. F. Blankenbeker; to the Committee on Invalid Pensions.

By Mr. WARE: A bill (H. R. 15064) for the relief of Isaac F. Skelton; to the Committee on Claims.

By Mr. WELCH of California: A bill (H. R. 15065) granting a pension to William F. Buckley; to the Committee on Pensions.

By Mr. WOLFENDEN: A bill (H. R. 15066) for the relief of Thomas J. Parker; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7892. By Mr. COCHRAN of Pennsylvania: Petition of Bessie Bilby and 30 residents of Ridgway, Elk County, Pa., urging the passage of the Lankford Sunday rest bill for the District of Columbia (H. R. 78); to the Committee on the District of Columbia.

7893. Also, petition of C. S. Crawford and 22 residents of Ridgway, Elk County, Pa., urging the passage of the Lankford Sunday rest bill for the District of Columbia (H. R. 78); to the Committee on the District of Columbia.

7894. By Mr. ENGLEBRIGHT: Petition of American Federation of Labor, indorsing Dale-Lehlbach retirement bill (S. 1727); to the Committee on the Civil Service.

7895. Also, petition of California Dairy Council, favoring $100,000 appropriation for the United States Bureau of Animal Industry; to the Committee on Agriculture.

7896. By Mr. FITZPATRICK: Petition of the Star Democratic Club of the Bronx, requesting immediate and favorable consideration of the Dale-Lehlbach retirement bill; to the committee on the Civil Service.

7897. By Mr. LETTS: Petition of citizens of Davenport, Iowa, requesting the enactment of House bill 78, the Lankford Sunday bill; to the Committee on the District of Columbia.

7898. By Mr. McCORMACK: Petition of Boston Branch Railway Mail Association, W. E. Bradley, secretary, 60 Ainsworth Street, Roslindale, Mass., protesting against enactment of Senate bill 860; to the Committee on the Post office and Post Roads.

7899. By Mr. O'CONNELL: Petition of the International Association of Machinists, Arsenal Lodge No. 81, Rock Island, Ill., favoring the passage of the Letts bill, to permit one Government department to submit fixed bids for supplying such material as may be required by another Government department; to the Committee on Military Affairs.

7900. By Mrs. ROGERS: Petition from Lewis J. White and 38 ex-service men, now railway-mail clerks, of 1703 Northampton Street, Holyoke, Mass., opposed to Senate bill 860 and House bill 10422 as they now read; to the Committee on the Post Office and Post Roads.

7901. By Mr. YATES: Petition of Pyle-National Co., of Chicago, Ill., urging that the railways be allowed to charge the "Pullman surcharge"; to the Committee on Ways and Means.

7902. Also, petition of Branch 2759 of National Association of Letter Carriers, by Willard Dorset, its president, and Julius B. Isaak, secretary, urging passage of Senate bill 3027, to increase letter-carriers' pay; to the Committee on the Post Office and Post Roads.

7903. Also, petition of Mrs. (W. C.) Henrietta Adams Starck, Springfield, Ill., chairman Home Economics of the Illinois Congress of Parents and Teachers' Association, urging passage of the George-Menges Agricultural home economics bill; to the Committee on Agriculture.

7904. Also, petition of Gardner & Co., Chicago, Ill., protesting against Senate bill 2751, because it helps only a few manufacturers of candy; to the Committee on Ways and Means.

7905. Also, petition of Chicago Trades Union Label League, urging passage of Dale retirement bill; to the Committee on the Civil Service.

7906. Also, petition of Central Council of American Legion Auxiliaries, of Cook County, urging that Congress indorse the President's request for cruisers, and that House bill 11526 be passed promptly; to the Committee on Naval Affairs.

7907. Also, petition of Frank Morrison, secretary American Federation of Labor, urging early action on the Dale-Lehlbach civil service retirement bill (S. 1727); to the Committee on the Civil Service.

7908. Also, petition of Margaret Hopkins Worrell, League of the American Civil Service, Washington, D. C., urging amendment of the Welch Act; to the Committee on the Civil Service.

7909. Also, petition of R. G. Tonne, secretary Chicago & North Western Railway Employees' Club, of South Pekin, Ill., urging that Congress should regulate all transportation, including motor busses; to the Committee on Interstate and Foreign Commerce.

7910. Also, petition of John L. Harrison, 3353 Ogden Avenue, Chicago, urging passage of postal clerks bill, the 44-hour bill; to the Committee on the Post Office and Post Roads.

7911. Also, petition of Ladies Auxiliary No. 57, G. N. A. L. C., urging passage of Senate bill 1727; to the Committee on Naval Affairs.

7912. Also, petition of Mrs. E. W. McNick, 500 Diversey Parkway, Chicago, Ill., urging legislation to exempt dogs from vivisection; to the Committee on the Judiciary.

7913. Also, petition of Timothy Hennessy, 1421 East Sixtieth Street, Chicago, Ill., urging passage of the bill giving credit for military service to ex-service men in the Postal Service; to the Committee on the Post Office and Post Roads.

7914. Also, petition of Cigarmakers Union No. 14, 166 West Washington Street, Chicago, Ill., protesting against the Cuban parcel post bill (H. R. 9195) amending sections 3402 and 2804 of the Revised Statutes, because it would throw many cigarmakers out of work; to the Committee on Ways and Means.

7915. Also, petition of Daisy Sandridge, 1510 Church Street, Evanston, Ill., urging prompt ratification of "the multilateral treaty"; to the Committee on Foreign Affairs.

7916. Also, petition of Chester W. Church, lawyer, 77 West Washington Street, Chicago, Ill., protesting against some of the provisions of bill (S. 2751) concerning slot machines, etc., urging that the law is now ample as to lotteries; to the Committee on the Judiciary.

7917. Also, petition of National Federation of Federal Employees, protesting against construction given to Welch bill by Director of Veterans' Bureau, based upon decision of Comptroller General; to the Committee on Labor.

7918. Also, petition of Mrs. W. E. Foster, of Auburn, in Sangamon County, Ill., protesting against any change in the Army promotion law, and urging that Congress vote for the Reed furlough bill and against the Black-McSwain bill; to the Committee on Military Affairs.

7919. Also, petition of Chicago Post Office Clerks' Union, No. 1, by P. H. Seegard, chairman legislative committee, urging passage of civil service retirement bill (S. 1727), a more liberal retirement act for the old employees than the one now existing; to the Committee on the Civil Service.

7920. Also, petition of Chicago Trades Union Label League, by John P. Hoff, secretary, urging defeat of House Resolution 9195, because this bill if adopted will cause a great harm to the organized cigar makers in the United States; to the Committee on Ways and Means.

7921. Also, petition of John W. Engen, 954 East Fifty-fifth Street, Chicago, Ill., urging passage of following bills: The McKellar bill, giving employees credit for military service; the Dale retirement bill; and the La Follette 44-hour bill; to the Committee on the Civil Service.

7922. Also, petition of Mrs. Maurice C. White, secretary Old Fort Hall Chapter, Daughters of American Revolution, Blackfoot, Idaho, urging passage of Resolution 11, known as "Our flag code"; to the Committee on the Judiciary.

7923. Also, petition of Bristol Chapter, Daughters of American Revolution, Bristol, R. I., indorsing Resolution 11, joint resolution to adopt an official flag code; to the Committee on the Judiciary.

7924. Also, petition of Thomas E. Gill, lawyer, Rockford, Ill., urging that to do away with the surcharge by railroads on Pullman passenger traffic would be a foolish step, because it would reduce railroad earnings by $40,000,000, which deficit would have to be made up by other rates—passenger or freight; to the Committee on Ways and Means.

SENATE

SATURDAY, *December 8, 1928*

(Legislative day of Friday, December 7, 1928)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. JONES. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Locher	Simmons
Barkley	Frazier	McKellar	Smith
Bayard	George	McMaster	Smoot
Bingham	Gerry	McNary	Steck
Black	Gillett	Metcalf	Steiwer
Blaine	Glass	Moses	Stephens
Blease	Glenn	Neely	Swanson
Borah	Goff	Norris	Thomas, Idaho
Bratton	Greene	Nye	Thomas, Okla.
Brookhart	Hale	Oddie	Trammell
Broussard	Harris	Overman	Tyson
Capper	Harrison	Phipps	Vandenberg
Caraway	Hawes	Pine	Walsh, Mass.
Copeland	Hayden	Pittman	Walsh, Mont.
Couzens	Heflin	Ransdell	Warren
Curtis	Johnson	Reed, Pa.	Waterman
Dale	Jones	Sackett	Watson
Deneen	Kendrick	Schall	Wheeler
Dill	Keyes	Sheppard	
Edge	King	Shipstead	
Fess	Larrazolo	Shortridge	

Mr. NORRIS. I desire to announce the junior Senator from Nebraska [Mr. HOWELL] is detained from the Chamber by illness.

Mr. SHEPPARD. My colleague the junior Senator from Texas [Mr. MAYFIELD] is unavoidably detained on account of illness. This announcement may stand for the day.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the Athenaeum Study Club, of Kansas City, Mo.,